

and instructive narrative his contact and association with those strange people.

I can not help feeling how great has been the loss to Pennsylvania in the death of these men. When we think how long, yea, how many centuries it took to develop and refine minds such as these men possessed, we appreciate our loss, in fact we are appalled. All we can do is simply to go ahead and strive for the best, and as nearly as possible follow their example, which has been good and great and inspiring. Under their leadership vast progress has been made and great munificences and benefactions have been bestowed. We can simply emulate them and hold them in fond recollection, affection, and love.

Mr. FOCHT again took the chair as Speaker pro tempore.

Mr. CRAGO. Mr. Speaker, I ask unanimous consent that all Members who have spoken may have permission to extend their remarks in the RECORD, and that those who have not spoken may have five days in which to insert in the RECORD remarks concerning the Members whom we have remembered to-day.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent that all Members who have spoken may have the privilege of extending their remarks in the RECORD, and that other Members may have five days in which to print remarks in memory of the deceased Members. Is there objection?

There was no objection.

Mr. WALTERS. Mr. Speaker, within two years we have witnessed the passing of five men named by the people of Pennsylvania to represent them in the American Congress. In order they were: MAHLON H. GARLAND, PHILANDER C. KNOX, BOIES PENROSE, WILLIAM E. CROW, and CHARLES R. CONNELL. Others have and will bear testimony to the eminent personal worth of these sons of the Keystone State. Others have and will recall the distinguished public services of these representative Pennsylvanians. I desire to add a personal testimonial to the memory of CHARLES R. CONNELL.

Mr. CONNELL came to the Congress rich in experience. He was a type of Pennsylvania's progressive business men. Proud of his heritage, proud of his State, proud of his community, he gave richly of his personal abilities and fortune that the life-giving industries of Scranton might prosper and the community prosper with them. A type of Pennsylvania's business men, CHARLES R. CONNELL possessed a high regard for the general welfare, and leaves a record which might well be emulated.

In performing his duties as a Member of Congress Mr. CONNELL carried the same regard for strict integrity that he did in private business. He viewed every governmental problem broadly. No personal interest, no local interest, no partisan plea could compel him to deviate from what he regarded as a plain duty. He sought with all the energy of his fine nature to serve those who had expressed trust in him. It was characteristic of his service in Washington that no personal interest, political or otherwise, could influence his decision.

The charm of Mr. CONNELL's personality attracted men, and he held as close friends perhaps more than the usual number of his associates in the House. Coming back among us with the knowledge that his days were numbered, he went about with his usual genial word and smile, with his accustomed good nature and willingness to aid. His courage in the face of the inevitable was remarkable. His memory will long linger with those who knew him best.

Mr. APPLEBY. Mr. Speaker, under the permission given Members to extend their remarks in the RECORD upon the death of our beloved colleague, I should not want this occasion to pass without joining with the other Members present in testifying to his splendid personality, nobility of character, and value to his country of his short public career.

Mr. CONNELL, in common with myself, was elected to Congress in November, 1920. He was one of the first Members of the House with whom I became acquainted. That acquaintance ripened into a warm friendship, and in listening to the eulogies presented this afternoon by his colleagues, many from his own State, I am satisfied that the early judgment I formed of the man was a correct one. Always considerate of others, even tempered, self-controlled, kind, and gentle, he made warm friends, whom he held in growing attachment. One of my earliest recollections of the man was the pride which he so frequently expressed in being one of the few Members who had the distinction of representing in Congress the same district

once represented by their fathers. The elder Connell, now deceased, represented this same Pennsylvania district some 20 years prior to our colleague's election.

Mr. CONNELL brought to the House of Representatives a ripe business experience gained through the management of several large manufacturing plants, as well as service on the boards of directors of several banking institutions. His practical, common sense, sound judgment, sterling honesty, and high ideals at once marked him as a valuable Member of this legislative body. He was exactly the type of man needed—a business man in Congress. May we have more men of his courage, faith, ability, and firmness!

To have acted with him in the work of important legislation was a privilege, and to meet him socially and learn of his fine traits of character, and to have counted him my friend, was an inspiration.

During the recess of Congress last summer he was stricken with a fatal illness, and in August, in the homestead of his father, in which he had so long resided, in the beautiful residential section of the city of Scranton, surrounded by his devoted family, our beloved colleague passed on to his just reward. Sadly missed by the many friends he had made in this legislative body, mourned by his thousands of employees, and amid the tears of the hosts of his admiring friends he was buried in his native city. He was an honor to the State and the Nation. He died at his post of duty a faithful public servant, loved for his frank and manly dealings with his fellows, his loyalty to his trusts of high responsibility, and his modest and unassuming mode of life. Personally, I felt, and still feel, the keenest sense of loss, and I am glad to pay this feeble tribute to his memory. May it linger with us for many years. But in a full life, nobly lived, such as that of CHARLES R. CONNELL, there should be no sadness of farewell. He has but gone to his reward. In the words of the immortal Tennyson:

Sunset and evening star,  
And one clear call for me!  
And may there be no moaning of the bar  
When I put out to sea,

But such a tide as moving seems asleep,  
Too full for sound and foam,  
When that which drew from out the boundless deep  
Turns again home.

Twilight and evening bell,  
And after that the dark!  
And may there be no sadness of farewell,  
When I embark;

For tho' from out our bourne of Time and Place  
The flood may bear me far,  
I hope to see my Pilot face to face  
When I have cross'd the bar.

#### ADJOURNMENT.

Mr. CRAGO. Mr. Speaker, in accordance with the resolution previously adopted, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 35 minutes p. m.) the House adjourned until Monday, February 19, 1923, at 12 o'clock noon.

## SENATE.

MONDAY, February 19, 1923.

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, help us to realize that life is a constant benediction, and as we spend it for higher interests enable us to recognize the privileges given unto us, so that daily and hourly we may have in mind Thy glory and the best interests of our loved land. Hear and help us through this day's service. For Christ Jesus' sake. Amen.

#### THE JOURNAL.

The reading clerk proceeded to read the Journal of the proceedings of Saturday, when, on the request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

#### CALL OF THE ROLL.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.



The reading clerk called the roll, and the following Senators answered to their names:

|               |              |           |              |
|---------------|--------------|-----------|--------------|
| Ball          | Gooding      | McLean    | Smith        |
| Bayard        | Hale         | McNary    | Smoot        |
| Brookhart     | Harrell      | Moses     | Spencer      |
| Culder        | Harris       | Myers     | Sterling     |
| Cameron       | Harrison     | New       | Sutherland   |
| Capper        | Hedin        | Nicholson | Swanson      |
| Caraway       | Johnson      | Norbeck   | Townsend     |
| Couzens       | Jones, Wash. | Oddie     | Trammell     |
| Curtis        | Kellogg      | Page      | Wadsworth    |
| Dial          | Keyes        | Pepper    | Walsh, Mass. |
| Edge          | King         | Phipps    | Warren       |
| Fernald       | Ladd         | Pittman   | Watson       |
| Fletcher      | La Follette  | Pomerene  | Weller       |
| France        | Lodge        | Ransdell  | Williams     |
| Frelinghuysen | McCumber     | Reed, Pa. | Willis       |
| George        | McKellar     | Robinson  |              |
| Gerry         | McKinley     | Sheppard  |              |

The VICE PRESIDENT. Sixty-six Senators have answered to their names. A quorum is present.

#### ACCOUNT OF THE STATE OF NEW YORK (S. DOC. NO. 304).

The VICE PRESIDENT laid before the Senate a communication from the Comptroller General of the United States, in response to Senate Resolution 378, agreed to December 6, 1922, relative to the reexamination and restatement of the account of the State of New York, for which appropriation was made by the act of Congress approved February 27, 1906, which was referred to the Committee on Claims and ordered to be printed.

#### DEPARTMENTAL USE OF AUTOMOBILES.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to Senate Resolution 390, agreed to January 6, 1923, a statement showing automobiles in use by the Treasury Department, both in Washington and in the field, together with certain cost data pertaining to said automobiles, garages in which they are housed, etc., for the six months' period July 1 to December 31, 1922, and stating that it was deemed best to report the information for the first six months of the present fiscal year rather than for the fiscal year 1922, owing to changes in the assignment of work between the Public Health Service and the United States Veterans' Bureau affecting the administrative supervision of automobiles belonging to the former service, which was ordered to lie on the table.

#### WORLD'S DAIRY CONGRESS ASSOCIATION.

The VICE PRESIDENT laid before the Senate a communication from the president of the World's Dairy Congress Association, which was read and referred to the Committee on Agriculture and Forestry, as follows:

##### MILK IS VITAL TO NATIONAL HEALTH.

WORLD'S DAIRY CONGRESS ASSOCIATION (INC.),  
Washington, D. C., February 19, 1923.

Hon. CALVIN COOLIDGE,  
Vice President of the United States,  
Washington, D. C.

SIR: As authorized by act of Congress of March 3, 1921, the President of the United States has invited the nations of the world to send delegates and representatives to a World's Dairy Congress. This congress will be held in Washington October 2 to 5 of this year, and the delegates, after the close of the congress, will attend the National Dairy Show to be held at Syracuse, N. Y., October 6 to 13, 1923.

The World's Dairy Congress Association has been organized at the suggestion of the United States Department of Agriculture to act as a committee of management to make the necessary and proper arrangements for the housing and entertainment of this congress and to extend the proper courtesy to the delegates and other visitors who will attend.

On behalf of this association, I wish to thank the Members of Congress for the authorization of the World's Dairy Congress and for the support which has been voted to translate and publish its proceedings to make it of the greatest possible value to the public.

On behalf of the association, I wish to extend an invitation to the Congress of the United States to be represented at the World's Dairy Congress, and to request that a committee representing the Senate and House of Representatives be appointed for this purpose. I feel sure that the presence of this committee at the World's Dairy Congress and its participation in the deliberations of that body will add greatly to the Congress and to the cordial feeling that the representatives of other nations may have as to the feeling of sympathy and cooperation of the United States in their problems and aspirations.

The invitations from the President of the United States have been transmitted by the Department of State to all the nations of the world, and many acceptances have already been received, and many more are expected, indicating a high degree of international interest in this coming gathering.

Respectfully,

H. E. VAN NORMAN, President.

Mr. LADD. I introduce a joint resolution authorizing the appointment of a joint committee of the Senate and the House to represent the Congress of the United States at the World's Dairy Congress to be held in Washington, and I ask that it be referred to the Committee on Agriculture and Forestry.

The joint resolution (S. J. Res. 284) authorizing the appointment of a joint committee of the Senate and the House to represent the Congress of the United States at the World's Dairy Congress was read twice by its title and referred to the Committee on Agriculture and Forestry.

#### PETITIONS AND MEMORIALS.

The VICE PRESIDENT laid before the Senate a telegram from E. F. Stokes, secretary of the National Association of Builders' Exchanges, relative to tax-exempt securities, which was referred to the Committee on Finance and ordered to be printed in the RECORD as follows:

[Western Union telegram.]

WEBSTER CITY, IOWA, February 17, 1923.

SECRETARY OF THE UNITED STATES SENATE,  
Washington, D. C.:

The National Association of Builders' Exchanges of the United States, representing the building interests in every territory of the country, while in convention assembled at Des Moines, Iowa, did unanimously adopt on February 15, 1923, a resolution which follows, and requests you through your official office to direct the same to the proper channels for information of Senate now in session:

"Resolved by the National Association of Builders' Exchanges—

"First. That this association believes that the present freedom from income tax of incomes from bonds and other securities issued by States, counties, and municipalities has operated to relieve large incomes from bearing their proper share of Federal taxation; it feels that this is contrary to the interest of the public and should be stopped as soon as possible.

"Second. That the preference given by large investors under the above circumstances to State and municipal bonds has operated to the disadvantage of investments in private building and has thus operated as a restriction upon the amount of building for residences, stores, hotels, and factories requisite to meet the situation caused by the cessation of building during the war. It has thus been an important contributing cause to the continuance of high rents.

"Third. That this association strongly urges the passage by the Senate at this session of Congress of the proposed constitutional amendment (H. J. Res. 314) designed to put an end to this condition."

E. F. STOKES,

Secretary National Association of Builders' Exchanges.

Mr. TOWNSEND presented a resolution of Port Huron Lodge, No. 158, Loyal Order of Moose, of Port Huron, Mich., favoring the calling of an international conference to consider the restriction of the traffic in narcotic drugs, which was referred to the Committee on Foreign Relations.

Mr. LODGE presented resolutions of the Women's International League for Peace and Freedom, Massachusetts Branch, at Boston, Mass., protesting against the French occupation of the Ruhr as an ineffective and dangerous method of securing reparations and favoring the calling of an international conference to secure justice and protection to France and to solve world economic problems, the resumption of trade relations with Russia, recognition of the Government of Mexico, and the repeal of the espionage act; which were referred to the Committee on Foreign Relations.

Mr. STANLEY presented a memorial, numerous signed, of sundry citizens of Covington, Ky., remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. KEYES presented resolutions adopted by the congregation of the Congregational Church of Hill and a meeting of the District Sunday School Institute at Rochester, both in the State of New Hampshire, favoring an amendment to the Constitution governing the passage of legislation regulating child labor, which were referred to the Committee on the Judiciary.

Mr. KEYES. I present a copy of a joint resolution entitled "Joint resolution relating to the valuation of railroads" which was adopted by the New Hampshire Legislature on February 16th instant. I ask that it be printed in the RECORD and referred to the Committee on Interstate Commerce.

The resolution was referred to the Committee on Interstate Commerce, as follows:

STATE OF NEW HAMPSHIRE,  
Office of Secretary of State.

I, Enos K. Sawyer, secretary of state of the State of New Hampshire, do hereby certify that the following and hereto attached is a true copy of a joint resolution entitled "Joint resolution relating to the valuation of railroads" (approved February 16, 1923), as engrossed in this office and in my custody as secretary of state.

In testimony whereof I hereto set my hand and cause to be affixed the seal of the State, at Concord, this 16th day of February, A. D. 1923.

ENOS K. SAWYER,  
Secretary of State.

STATE OF NEW HAMPSHIRE, 1923.

Joint resolution relating to the valuation of railroads.

Resolved by the senate and house of representatives in general court convened, That whereas by section 19 (a) of the interstate commerce act providing for the valuation by the Interstate Commerce Commission of the properties of common carriers it is provided that "such investigation shall show the value of its property in each of the several States and Territories and the District of Columbia, classified and in detail as herein required"; and

Whereas the bureau of valuation of said commission has recommended to the commission that it request Congress to relieve it from showing values of said properties by States; and

Whereas it is desirable for various uses and purposes that such valuation shall be shown separately by States, as aforesaid:

Resolved, That it is the view of the Senate and House of Representatives of the State of New Hampshire that the Interstate Com-



merce Commission should show as to each interstate carrier the value of its property in each of the several States in which said property exists, and that no change in the law to sanction failure to make such showing ought to be sought or made; and be it further

*Resolved*, That a copy of this resolution be mailed to each United States Senator and each Member of Congress from New Hampshire.

WILLIAM J. AHERN,  
*Speaker of the House of Representatives.*  
WESLEY ADAMS,  
*President of the Senate.*

Approved February 16, 1923.

FRED H. BROWN, *Governor.*

Mr. SHEPPARD. I present for publication in the RECORD and reference to the Committee on Foreign Relations a resolution adopted by the Legislature of Texas favoring the recognition of the present Government of Mexico.

The resolution was referred to the Committee on Foreign Relations, as follows:

*House concurrent resolution.*

Whereas President Obregon has the confidence, respect, and support of the people of Mexico to a degree almost unprecedented in the history of that country, with the result that to-day Mexico is enjoying peace and stability; and

Whereas through the efforts of President Obregon a new era of cordiality and friendly relations has been initiated between the peoples on either side of the Rio Grande, who for so long misunderstood and distrusted each other; and

Whereas the friendly attitude toward American citizens and American interests so uniformly manifested by President Obregon since becoming the President of the Republic of Mexico is of that sincere nature and of that evident good faith which makes the best feeling between nations, strengthened by the promise of President Obregon in frequent utterances that Mexico will meet every just obligation for which Mexico as a nation is responsible: Now, therefore, be it

*Resolved by the house of representatives, the senate concurring*, That the Legislature of the State of Texas declares itself pleased with the administration of President Obregon and congratulates the people of Mexico upon the new era of peace, prosperity, and amicable relationship which have been established; and be it further

*Resolved*, That it is the sense of the Legislature of Texas that the best interests of our Nation and our State will be served and the restoration of order in world affairs will be hastened by the immediate official recognition of Mexico as administered by President Obregon; and be it further

*Resolved*, That the clerk of the house be and is hereby directed to forward copies of this resolution to the President of the United States, to the President of the Senate of the United States, to the Speaker of the House of Representatives, and to each of the Texas Senators and Representatives in Congress; and be it further

*Resolved*, That the clerk of the house be and is hereby directed to send a copy of this resolution to His Excellency, the Hon. Alvaro Obregon, President of the Republic of Mexico.

R. E. SEAGLES,  
*Speaker of the House.*  
T. W. DAVIDSON,  
*President of the Senate.*

I hereby certify that H. C. R. No. 13 was passed by the house February 6, 1923.

C. L. PHINNEY,  
*Chief Clerk of the House.*

I hereby certify that H. C. R. No. 13 was passed by the Senate February 8, 1923.

W. V. HOWERITON,  
*Secretary of the Senate.*

Mr. PHIPPS presented the following memorial of the Legislature of Colorado, which was referred to the Committee on Irrigation and Reclamation:

Senate Joint Memorial No. 1, memorializing Congress to liberalize repayment requirements under the Federal reclamation act.

Whereas it appears conclusively that a considerable majority of unit holders on the Uncompahgre and Grand Valley United States reclamation projects in Colorado are now and will continue to be unable to meet present statutory requirements for repayment of project costs; and

Whereas, due largely to adverse agricultural and economic conditions, a majority of unit holders on these Colorado projects are unavoidably delinquent in relation to payment of current operation and maintenance charges; and

Whereas the Federal reclamation act and acts amendatory thereof impose penalties ranging from 6 to 12 per cent per annum on such delinquent construction and operation and maintenance cost payments; and

Whereas by reason of conditions herein set forth large numbers of unit holders have been obliged to dispose of their equities at great loss to themselves; and, unless substantial and immediate relief is afforded, an increasing number of unit holders on these Colorado projects must inevitably be forced in the future to sacrifice the fruit of substantial investments and many years of hard labor; and

Whereas the entire scheme or policy of Federal reclamation will be greatly advanced by proper treatment of unit holders already on Federal reclamation project lands: Now, therefore, be it

*Resolved by the Senate of the State of Colorado (the House of Representatives concurring)*, That the Congress of the United States be memorialized to enact legislation the purpose of which shall be:

(a) To provide additional time for the repayment of construction and operation and maintenance charges to the United States.

(b) For the withdrawing of public land notices announcing the dates and time for the commencement of payment of construction and operation and maintenance charges on reclamation projects; crediting construction charges already paid to delinquent operation and maintenance charges; reducing the penalty for delinquent repayments from 12 to 6 per cent per annum, providing that no public notices be issued until the Secretary of the Interior by a commission determines through investigations held on the projects the financial and economic conditions of the farmers on said projects, together with the physical condition of the farm units, and recommends the date on which public notice shall be issued.

(c) That the time of repayment of construction charges as provided for in the reclamation extension act be extended to not less than 40 years, that lands be classified as to producing value and that the period of repayment be graduated and based upon said classification: Be it further

*Resolved*, That a copy of this memorial be sent to Senator Lawrence C. Phipps, Senator Samuel Nicholson, Hon. Edward T. Taylor, Hon. Guy U. Hardy, Hon. Charles B. Timberlake, and Hon. William N. Valle, Representatives in Congress for the State of Colorado.

ROBERT F. ROCKWELL,  
*President of the Senate.*

Attest:

CHAS. C. SACKMANN,  
*Speaker of the House of Representatives.*

Mr. MYERS presented the following memorial of the Legislature of Montana, which was referred to the Committee on Public Lands and Surveys:

House Joint Memorial 4—Memorial to the Congress of the United States, praying for an appropriation to provide for the construction of public roads leading into and through national forests, Indian reservations, and other public land areas.

*To the Honorable Senate and House of Representatives in the Congress of the United States of America:*

Your memorialists, the members of the Eighteenth Legislative Assembly of the State of Montana, the senate and house concurring, respectfully represent:

Whereas there are in the 13 public-land States of the Northwest 382,032,487 acres of unappropriated and unreserved public lands, Indian reservations, and national-forest areas that are nontaxable and that do not contribute to the building of public roads, except the 25 per cent of the gross proceeds of the forests, which is only a negligible amount. The nontaxable areas of these States are as follows:

|              | Acres.      |
|--------------|-------------|
| Arizona      | 48,692,722  |
| California   | 38,173,917  |
| Colorado     | 24,562,927  |
| Idaho        | 27,396,215  |
| Minnesota    | 1,855,548   |
| Montana      | 30,829,638  |
| Nevada       | 58,453,899  |
| New Mexico   | 30,418,359  |
| Oregon       | 27,384,757  |
| South Dakota | 4,386,100   |
| Utah         | 39,207,579  |
| Washington   | 15,357,519  |
| Wyoming      | 34,343,307  |
| Total        | 382,032,487 |

Whereas Indian reservations, forest reserves, and other public lands stretch across county, State, and interstate highways, becoming insurmountable barriers to highway improvement, community, and State development; and

Whereas in many counties of the public-land States from 50 to 75 per cent of their area is nonassessable public-land area, affording no taxes for schools and roads; and

Whereas the public-land States, owing to large area, small population, and small valuation, have not been able to participate in the 50-50 provision of the Federal highway act; and

Whereas under the provisions of Senate bill 1072 there was enacted a law, November, 1921, providing for an appropriation of \$75,000,000, \$15,000,000 of which was to be applied on roads in national forests and leading into national forests; and

Whereas highway projects in the public-land States initiated under this appropriation must halt unless another appropriation is made to effect their completion: Therefore be it

*Resolved*, That the Congress of the United States be memorialized to make an appropriation of \$20,000,000 for roads in and leading into national forests, in and through Indian reservations; and be it further

*Resolved*, That copies of this memorial be transmitted by the secretary of state to the President, the Secretary of the Interior, the Forest Service, Department of Agriculture, the Bureau of Public Roads, the United States Senators and Members of Congress, the governors of the 13 public-land States.

CALVIN CRUMBAKER,  
*Speaker of the House.*  
NELSON STORY, Jr.,  
*President of the Senate.*

Approved February 13, 1923.

JOS. M. DIXON, *Governor.*

Filed February 13, 1923, at 11.10 o'clock a. m.

C. T. STEWART, *Secretary of State.*

UNITED STATES OF AMERICA, State of Montana, ss:

I, C. T. Stewart, secretary of state of the State of Montana, do hereby certify that the above is a true and correct copy of house joint memorial No. 4, "A memorial to the Congress of the United States, praying for an appropriation to provide for the construction of public roads leading into and through national forests, Indian reservations, and other public-land areas," enacted by the eighteenth session of the Legislative Assembly of the State of Montana, in regular session assembled, and approved by Jos. M. Dixon, governor of said State, on the 13th day of February, A. D. 1923.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the State of Montana, at Helena, the capital, this 13th day of February, A. D. 1923.

[SEAL]

C. T. STEWART, *Secretary of State.*  
By CLIFFORD L. WALKER, *Deputy.*

Mr. McNARY presented the following memorial of the Legislature of Oregon, which was referred to the Committee on Immigration:

House Joint Memorial No. 4.

*To the honorable Senate and House of Representatives of the United States of America in Congress assembled:*

Your memorialists, the Legislature of the State of Oregon, respectfully represent that—

Whereas the present number of unemployed aliens in the United States is largely in excess of the number the welfare of the country



warrants, there being 13,300,000 people of foreign birth, with many others of foreign descent living in the foreign groups and of whom hundreds of thousands have not been assimilated and know little of our ideals, traditions, and purposes, and that it will take many months and years to fully acquaint all of these people with our aims as a Nation and to amalgamate them in the body politic; and

Whereas the State of Oregon is vitally interested in this problem, because in this State there are more than 17,000 who are unable to speak the English language or write their own name; and

Whereas the cost to the Government of our alien population by reason of the violation of the eighteenth amendment and the Harrison Narcotic Act, as well as of the Volstead Act, by thousands of these aliens is burdensome in the extreme; and

Whereas there are a sufficient number of American laborers to perform all work available, but they are crowded from industries and made to suffer by this enormous influx of aliens, as witnessed by the following percentage of alien laborers employed in our industries:

|                        | Per cent. |
|------------------------|-----------|
| Steel industry         | 58        |
| Packing industry       | 61        |
| Woolen mills           | 62        |
| Cotton mills           | 69        |
| Oil refineries         | 67        |
| Clothing manufacturers | 72        |
| Mining industry        | 75        |

Now, therefore, be it

*Resolved by the House of Representatives of the State of Oregon (the Senate jointly concurring),* That the Legislature of the State of Oregon is unalterably opposed to further immigration into the United States in excess of the present quota, and further recommends that our immigration laws be so amended as to restrict the entrance into the United States of all Asiatics and southern European internationals; but that under no condition will the immigration laws of the United States be so amended as to destroy the efficiency of the present immigration law or in any way permit a larger number of aliens to come into our borders than permitted by that law until a permanent immigration policy is adopted in which the interests of America, her ideals and institutions, traditions, and aims are fully protected and cared for by a rigid exclusion of all further immigration until such time as we may fully assimilate those within our own borders and give to American labor and American laws the rights and respect which are fully their due; be it further

*Resolved,* That the secretary of state is hereby instructed to transmit by mail a copy of this resolution to each member of the Oregon delegation in the United States Senate and House of Representatives at Washington.

Adopted by the house January 29, 1923.

K. K. KUBLI,  
Speaker of the House.

Adopted by the senate February 10, 1923.

JAY UPTON,  
President of the Senate.

(Indorsed: House Joint Memorial No. 4. Introduced by committee on resolutions, W. F. Drager, chief clerk. Filed February 12, 1923, Sam A. Kozier, secretary of state.)

UNITED STATES OF AMERICA,  
STATE OF OREGON,  
Office of the Secretary of State.

I, Sam A. Kozier, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of House Joint Memorial No. 4 with the original thereof adopted by the Thirty-second Legislative Assembly of the State of Oregon and filed in the office of the secretary of state of the State of Oregon February 12, 1923, and that the same is a full, true, and complete transcript therefrom and of the whole thereof, together with all indorsements thereon.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 13th day of February, A. D. 1923.

[SEAL.]

SAM A. KOZIER,  
Secretary of State.

Mr. McNARY presented the following memorial of the Legislature of Oregon, which was referred to the Committee on Public Lands and Surveys:

House Joint Memorial No. 5.

To the honorable Senate and House of Representatives of the Congress of the United States:

Your memorialists, the Legislature of the State of Oregon, respectfully represent that—

Whereas the Government of the United States by legislative enactment has withdrawn from public entry and settlement 156,666,045 acres of land in the States of California, Oregon, Washington, Idaho, Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, and Nevada for the purpose of creating national forests; and

Whereas there is now standing on this land nearly 500,000,000,000 feet board measure, of merchantable timber; and

Whereas 13,133,081 acres of our national forests are within the confines of the State of Oregon, upon which acreage it is estimated by Hon. William B. Greeley, United States forester, that there is now standing over 130,000,000,000 board feet of timber; and

Whereas over 5,000,000,000 board feet of merchantable timber within our national forests has been destroyed by forest fires during the past five years; and

Whereas over 18,000,000 acres of national forest lands were burned over by forest fires during the summers of 1918 and 1919; and

Whereas in many instances these national forest fires have spread over large tracts of privately owned timber, destroying large tracts of virgin forests and thereby causing tremendous losses to the owners of the land; and

Whereas the Government of the United States has withdrawn this land from entry and pays no taxes on same, leaving the whole burden of taxation, including all pioneer work, upon the people of the several counties of this State, some of which counties are as high as 68 per cent national forests; and

Whereas the timber in our national forests is worth, at \$3 per thousand stumpage, approximately \$1,500,000,000, which pays no tax whatever, while many of our counties are bonded to the constitutional limit for highway purposes, much of the money having been used for

the construction of highways adjacent to or through national forests; and

Whereas there is no way known to man whereby these forests may be saved from destruction by fire except in the construction of permanent commercial highways through and adjacent to our national forests so that the ripe timber may be moved to market and so that fire fighters may be taken quickly to the blaze after it has been discovered: Now, therefore, be it

*Resolved by the joint assembly of the Senate and House of Representatives of the State of Oregon,* That the Congress of the United States be, and the same is hereby memorialized to provide, by appropriation from our National Treasury or by sale of bonds on our national-forest timber, the necessary funds with which to construct a system of highways through and adjacent to our national forests commensurate with their needs of protection against destruction by fire; and be it further

*Resolved,* That the secretary of state of the State of Oregon is hereby authorized and directed to transmit a copy of this memorial to the President of the United States Senate, the Speaker of the House of Representatives of the United States of America, and to each United States Senator and Representative in Congress from Oregon.

Adopted by the house January 29, 1923.

K. K. KUBLI,  
Speaker of the House.

Adopted by the senate February 9, 1923.

JAY UPTON,  
President of the Senate.

(Indorsed: House joint memorial No. 5. Introduced by Representatives Cramer and Pelree. W. F. Drager, chief clerk. Filed February 12, 1923. Sam A. Kozier, secretary of state.)

UNITED STATES OF AMERICA,  
STATE OF OREGON,  
Office of the Secretary of State.

I, Sam A. Kozier, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of House joint memorial No. 5 with the original thereof adopted by the Thirty-second Legislative Assembly of the State of Oregon and filed in the office of the secretary of state of the State of Oregon February 12, 1923, and that the same is a full, true, and complete transcript therefrom and of the whole thereof, together with all indorsements thereon.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 12th day of February, A. D. 1923.

[SEAL.]

SAM A. KOZIER,  
Secretary of State.

#### THE COAL SITUATION.

Mr. WALSH of Massachusetts. Mr. President, I have several telegrams from public authorities in Massachusetts giving additional evidence that there is a continuing and extensive shortage of coal and much suffering in those communities; also resolutions adopted by various organizations indicating the dire consequences to health and comfort that the shortage of coal is causing and the widespread dissatisfaction and unrest this situation has aroused. I request that the telegrams and communications be printed in the RECORD, treated as petitions, and referred to the Committee on Education and Labor, and that copies thereof be transmitted by the Secretary of the Senate to the Interstate Commerce Commission and the Federal Fuel Commission. These petitions indicate the pressing need of immediate relief.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

MILFORD, MASS., February 17, 1923.

HON. DAVID I. WALSH,  
Washington, D. C.:

As selectmen of Milford we want you to know that there is much suffering here on account of having no coal. The situation is serious and requires prompt relief. Please help Milford.

JOHN H. EGAN,  
FRANCIS G. KERR,  
JOHN H. CUNIFF.

MILFORD, MASS., February 16, 1923.

HON. DAVID I. WALSH,  
United States Senate, Washington, D. C.:

Milford, Mass., without any hard coal and only scanty supply of soft coal. No relief in sight and conditions serious. Urge you institute measures for immediate relief from present suffering. Suggest running relief coal trains on passenger schedule, abandoning passenger service temporarily if necessary.

HOPEDALE MANUFACTURING CO.

MEDWAY, MASS., February 19, 1923.

Senator DAVID I. WALSH,  
Washington, D. C.:

Local fuel situation serious this town. Intense suffering account severe cold and coal shortage. Is there not something you can do to give New England priority in coal movement? Suggest railroads curtail passenger trains and use motive power to rush coal cars to destinations.

THOMAS F. MALLOY,  
Local Fuel Administrator.

MEDWAY, MASS., February 19, 1923.

HON. DAVID I. WALSH,  
United States Senate, Washington, D. C.:

No coal in this community. Actual suffering exists. Will you assist us?

HINMAN COAL & GRAIN CO.



Senator DAVID I. WALSH,  
Washington, D. C.:

Conditions relating to supply of coal very critical here in Malden. Can not some steps be taken to hasten deliveries? Case very urgent and would appreciate your assistance.

JOHN V. KIMBALL, Mayor.

MALDEN, MASS., February 19, 1923.

Senator DAVID I. WALSH,  
Washington, D. C.:

Distressing conditions here for fuel. Can you help us immediately? REV. MARTIN J. LEE.

STATE MUTUAL LIFE ASSURANCE CO. OF WORCESTER, MASS.,  
Boston, Mass., February 15, 1923.

Hon. DAVID I. WALSH,  
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: The people of my acquaintance in my town with whom I have talked within the last few days are very much interested in learning if it is possible to secure the delivery of one or two cars of egg or stove size anthracite at a siding either at Wellesley Farms or Wellesley proper. Having noted the very earnest efforts that you are making for the alleviation of inconvenience and suffering incidental to the coal situation in this State, I thought you might be in a position to advise me as to the possibilities of the above.

With kind personal regards, I am, yours very truly,  
RALPH H. HOHMAN.

CLEVELAND, OHIO, February 16, 1923.

Hon. DAVID I. WALSH,  
United States Senate, Washington, D. C.:

Referring to your letter to Interstate Commerce Commission regarding coal needs of New England, we have been trying for a week past without success to get the New York Central Railroad to accept shipments of specially prepared domestic bituminous coal from our Meadow Lands mine on Pittsburgh & West Virginia Railroad at Avella, Pa., destined to New England points on New York, New Haven & Hartford Railroad for domestic use. The New York Central Railroad has a general coal embargo against the New Haven road, although the latter road has modified its existing embargoes to permit acceptance of domestic coal. If by any action you can take you can make the railroads of this country realize their shortcomings and take action to overcome them, and that the present coal shortage is due entirely to their failure to furnish such reasonably adequate transportation as the transportation act justified the shipping public to expect, the country at large will be forever in your debt. The rank and absolute failure of the coal-carrying railroads of this country to provide even reasonable service and facilities in the handling of coal in this emergency is almost criminal. There is plenty of coal available and men and mine equipment to produce it, only transportation being lacking to provide for the country's needs, and the continued failure of the railroads to furnish such transportation leads one to the conclusion that they are discriminately hauling other higher-revenue freight to the exclusion of coal, notwithstanding the emergency.

WILLIAM TAYLOR,  
Vice President the Cleveland & Western Coal Co.

MEDFORD, MASS., February 6, 1923.

The Hon. DAVID I. WALSH,  
United States Senator, Washington, D. C.

DEAR SIR: At the regular meeting of the Men's Club, First M. E. Church, Medford, Mass., the following resolution was unanimously adopted:

"Resolved, That we, the members of the Men's Club, First M. E. Church, Medford, Mass., realizing the suffering and deplorable condition caused by the shortage of coal, believing that the time is ripe for legislation at our National Capital that will for all time put an end to the cause or causes that brought about this alarming state of affairs, we believe there is a universal demand that steps be taken, drastic or otherwise, that will for all time put an end to the possibility of a recurrence of these conditions; be it further

"Resolved, That a copy of this resolution be mailed to our representatives in Congress.

W. P. ANSLOW,  
Chairman Legislative Committee.  
GEO. J. EARLE,  
Secretary, 44A Grant Avenue, Medford, Mass.

SPRINGFIELD TENANTS' PROTECTIVE ASSOCIATION,  
Springfield, Mass., February 13, 1923.

Hon. DAVID I. WALSH,  
United States Senate, Washington, D. C.

DEAR SIR: We feel grateful for your inspiring letter of the 1st instant.

We are completing the organization of the Coal Consumers' League. Already 8,000 signers are listed, representing a yearly consumption of 50,000 tons of hard coal. We propose to purchase coal for our members direct from the mines.

We heartily indorse your work in Congress. It truly represents the desire of the majority of the people of Massachusetts. The sentiment of our members repeatedly expressed is, if immediate relief from present fuel conditions and prevention of its recurrence is not obtainable, that this organization goes on record as in favor of Government control of the coal mines.

Situated as we are, and in close touch with the people, we can not emphasize too strongly the fact that the citizens are losing faith in our Government.

Sincerely yours,  
WILLIAM F. GRADY,  
President Tenants' Protective Association,  
Chairman Organization Committee Coal Consumers.

OBITUARY—COAL SHORTAGE CLAIMS PNEUMONIA VICTIM IN ASABEL EZRA LYON, 80.

Asabel Ezra Lyon, 80, and for half a century one of the best-known house builders in Springfield, is the victim of the latest tragedy occasioned by the coal shortage. He died in a private sanitarium in West-

port, Conn., Sunday, after having made several fruitless efforts to find some place where he could stay and enjoy the warmth that he craved.

Mr. Lyon had lived alone on his farm on Tinkham Road following the death of his wife. About two years ago he sold the farm and went to live with his only surviving daughter, Mrs. Bertha L. Arnold, of 101 Oak Street. When Mrs. Arnold's coal supply became exhausted a few weeks ago Mr. Lyon was removed to a local sanitarium, but even there he could not find the warmth that he needed. Then, still hoping to find a place of warmth and comfort, he left the sanitarium and went to visit his only surviving sister, Mrs. Etta Bunnell, in Wallingford, Conn., but found that the coal situation there was as bad as he had experienced in Springfield. A few days after his arrival in Wallingford he was stricken with pneumonia and was taken to the sanitarium at Westport, where he remained until his death.

NO CHANGE IN COAL SITUATION—MANY WAIT AT CHICOPEE YARDS FOR COAL THAT FAILS TO APPEAR—WOOD BRINGING \$17 AND \$18 A CORD.

While a group of children persistently waited outside the gates of the Pomeroy Coal & Wood Co.'s siding at the Chicopee freight yard yesterday for coal which they were assured had not come, another patient group of kiddies did the same in front of the D. P. Hopkins coal yard.

Mayor J. M. Grise and Fuel Administrator J. E. Granfield were working hard to learn what the Boston & Maine Railroad officials were doing in the fuel transportation.

Besides Administrator Granfield and Mayor Grise, the coal dealers were on their jobs and went down into the railroad yards to see only empty bins. Investigation of nearly all the cars in the yards showed that while there was no anthracite yet that in a New York Central coal car was some steel and wood consigned to the Moore Drop Forging Co. Along the tracks trudged a Polish woman and her little boy, each bearing a heavy railroad tie. Railroad officials smiled and said they were sure it would be all right. Several empty coal cars were on sidings.

Meanwhile yesterday afternoon those who were unable to buy anthracite snapped up what wood was in sight. One hundred cords were reported sold at \$17 to \$19 a cord at the Chicopee wood yard. Half of the wood being sold is bought by Springfield people, according to Truman Gurvey, who has charge of the yard. One woman called up Mr. Gurvey yesterday and said she was out of fuel and asked for four cords. He pointed out that a cord or half a cord would do just as well.

FAMILY OF EIGHT WITHOUT COAL MAY DIE OF PNEUMONIA—INDIAN ORCHARD RESIDENTS, IN TWO LOCAL HOSPITALS, HAD LIVED IN ONE ROOM WHOLE WEEK WITHOUT HEAT.

Louis Meyette, his wife, and six small children were found dangerously ill with pneumonia at their home 111 Healy Avenue, Indian Orchard, by the visiting nurse of the health center yesterday. All were living in one room of their four-room tenement. They have been without heat for the past week, when the father, mother, and six children were taken ill and were unable to notify neighbors.

The visiting nurse called Dr. A. H. Reardon, and the family was immediately sent to the hospital. The father and oldest daughter, Edith, were on the dangerous list at the Wesson Memorial Hospital with lobar pneumonia last night, and the hospital authorities had little hope for their recovery. The mother and five children are at the City Hospital, and were reported last night as in danger, with little hope for the recovery of Mrs. Meyette and 7-year-old Viola. The other children are Sylvia, Willard, David, and Lattabell. They are being attended by City Physician W. A. R. Chapin.

The family has only been living here a short time, coming from Canada about two months ago. They have no relatives here and have made but few acquaintances. Mr. Meyette was employed as a woodchopper until the time of his illness last week.

FIVE NEW COAL SUBSTATIONS—FUEL RELIEF FOR HYDE PARK, DORCHESTER, AND WOLLASTON.

In order to relieve conditions in Hyde Park, Dorchester, and Wollaston, five new substations have been opened under the direction of the city fuel committee, supplied by a local coal company.

The coal will be sold in 100-pound lots, at 80 cents a bag. The stations are: Everett Square, Hyde Park; Adams Street, near Granite, East Milton; corner of Dunbar Avenue and Washington Street, Dorchester; Blue Hill Parkway at Eliot Street, Milton; Wollaston Fire Station, at Wollaston Bridge.

TOWN OF ASHBURNHAM, MASS.,  
OFFICE OF TOWN CLERK,  
February 10, 1923.

Hon. DAVID I. WALSH,  
Washington.

DEAR SENATOR WALSH:

Your article in the press of to-day reflects an absolute truthful view of the effect that their present suffering has on their attitude toward our Government. There is a prevailing feeling that the Government is not functioning for the help and benefit of the people, and I am conscious of the fact that even in our small community there is a spirit of unrest and dissatisfaction that bodes evil for the future.

I am surprised that Congress as a whole fails to grasp the extent of the suffering caused by its neglect. I believe that this whole situation might have been averted by thoughtful and patriotic action.

With assurance of my gratitude and esteem, I am,

Very truly yours,

WALTON B. WHITNEY.

DEPARTMENT OF PARKS AND PUBLIC PROPERTY,  
City Hall, Newark, N. J., February 8, 1923.

Hon. DAVID I. WALSH,  
United States Senate, Washington, D. C.

MY DEAR SENATOR: I believe the American people generally regard you as an absolutely independent Senator. They believe you are free of any entanglements with special interests and that your first consideration in public life is the welfare of the American people. The present coal famine brings to the surface a vital question, which must be settled. Every year we are threatened with a coal shortage and a battle or a sham battle occurs annually between the miners and the mine owners. The American people are held in suspense for months each year wondering if they will be able to get sufficient coal to heat



their homes during the coming winter. Some of the mines are owned by independents, some by railroad combinations. The independents are more practical, if anything, than the large organized coal-mining companies. While mayor of Newark during the famine of 1918 I sent men to investigate the coal situation in Pennsylvania. I learned then that there were vast coal fields that could be purchased at reasonable prices. They were offered to me.

Daily I pass coal yards in this city and I see a line of men, women, and children, young and old, waiting with pails and bags, sometimes for hours, to purchase a bushel of coal, paying at the rate of almost \$20 per ton. They look like the bread lines that used to wait outside of the East Side soup houses during the panic period. In these coal lines, however, you find rich and poor alike. Why do they stand for hours waiting for a bushel of coal? Because they must have heat in their homes to protect their young, their old, and their sick, and they are willing to submit to any humiliation or inconvenience to get even the scant supply for a fire or two. How long will the American people submit to such a condition, a condition which could be remedied in one month by the Government of the United States? These coal lines are a blot on the intelligence, the decency, and the independence of the American people. No one can now estimate, outside of a thoughtful physician, the terrific damage caused to the health and life of the American people by the shortage of fuel which occurs now annually. Disease and death multiply in cold homes.

This is the remedy. Let you Senators, who are really American, who are not owned by the corporations or the interests, get together, introduce a bill to have the Government of the United States go into the coal mining business. Do not seize the present mines. Let the Government buy new fields at once, install the machinery and start mining coal, have a large supply on hand and the moment a strike is threatened, a shortage is imminent, or the price becomes excessive, arrange to deliver the coal mined by the Government throughout the country to the retail dealers to be sold to the people. The Government is then in a position to meet any emergency or shortage. It does not necessarily mean that the Government is putting any private competitor out of business, but the Government should have on hand enough coal to supply the people when the miners and the owners refuse or are unable to do so. No Member of Congress who understands the seriousness of these coal famines will vote against such a measure.

I have served this city as an official for more than a decade and I know the wants of the people as well as any other official. I speak from experience. I have given long thought to this particular subject and I feel that this would be a logical and feasible solution. I hope you will do me the honor of expressing your opinion of this plan. With best wishes, I am, very truly yours,

CHARLES P. GILLEN, Director.

F. C. HENDERSON CO.,  
Boston, February 15, 1923.

HON. DAVID I. WALSH,  
Washington, D. C.

DEAR SIR: Your idea of coal for New England now is absolutely necessary. In fact this not only ought to have been thought about six weeks ago, but acted on at that time. We have the coal, miners, railroads, and boats. Isn't the Government big enough to reciprocate what we did for them five or six years ago?

Your idea, if necessary, of embargoing everything but coal is right. You must know how exceedingly difficult it is to deliver coal or anything else after it gets to the local point of distribution. The roads are and have been for weeks almost impassable.

For heaven's sake, let's do something besides talk.

Yours truly,

RICHARD E. COLTON,  
48 Hollis Street, East Milton.

NO. 10 HUNTOON STREET,  
Dorchester, Mass., February 13, 1923.

DEAR SENATOR: I am sending you a few lines to inform you of the terrible conditions which exist in my particular district.

I have a brother who has been waiting with the utmost patience for the last month for his wife to come home and live with him again after a siege of sickness in a Boston hospital.

Owing to the lack of fuel he is unable to have her come home and live in arctic atmosphere.

I am positive that these conditions are absolutely unnecessary.

I am not a union advocate because I am not connected in any way whatsoever with union organizations; although I think that the railroad situation could be satisfactorily settled.

With proper Government control and ownership the entire railroad systems throughout the country for the general betterment of the people as a whole.

Yours truly,

FRANK C. WALSH.

#### REPORTS OF COMMITTEES.

Mr. McCUMBER, from the Committee on the Library, to which was referred the joint resolution (S. J. Res. 168) in relation to a monument to commemorate the services and sacrifices of the women of the United States of America, its insular possessions, and the District of Columbia in the World War, reported it with amendments and submitted a report (No. 1158) thereon.

Mr. BALL, from the Committee on the District of Columbia, to which was referred the amendment submitted by Mr. PHIPPS relative to the fiscal relations between the United States and the District of Columbia and intended to be proposed to the third deficiency appropriation bill, reported favorably thereon and moved that it be referred to the Committee on Appropriations, which was agreed to.

Mr. PAGE, from the Committee on Naval Affairs, to which were referred the following bills and joint resolution, reported them severally without amendment, and submitted reports thereon:

S. 3615. An act for the relief of Joseph F. Becker (Rept. No. 1159);

S. 3826. An act for the relief of Gordon G. MacDonald (Rept. No. 1160);

S. 3895. An act for the relief of Benjamin H. Richardson (Rept. No. 1161);

S. 4152. An act for the relief of Frank A. Jahn (Rept. No. 1162);

S. 4276. An act for the relief of Maj. Russell B. Putnam (Rept. No. 1163);

H. R. 8921. An act for the relief of Ellen McNamara (Rept. No. 1164); and

H. J. Res. 47. A joint resolution authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy, at Annapolis, Mr. Jose A. de la Torriente, a citizen of Cuba (Rept. No. 1165).

#### ENROLLED BILL PRESENTED.

Mr. SUTHERLAND, from the Committee on Enrolled Bills, reported that on February 17, 1923, they presented to the President of the United States the bill (S. 3721) providing for the erection of additional suitable and necessary buildings for the National Leper Home.

#### BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MYERS:

A bill (S. 4586) to confer citizenship on George W. Taylor; to the Committee on the Judiciary.

By Mr. McCUMBER:

A bill (S. 4587) for the relief of James Michels, alias James Johnson (with the accompanying papers); to the Committee on Military Affairs.

By Mr. ROBINSON:

A bill (S. 4588) for the relief of the city of Fordyce, Ark.; to the Committee on Claims.

By Mr. NELSON:

A bill (S. 4589) to authorize the county of Hennepin, in the State of Minnesota, to construct a bridge and approaches thereto across the Minnesota River at a point suitable to the interests of navigation; to the Committee on Commerce.

By Mr. NORBECK:

A bill (S. 4590) granting the consent of Congress to the State of South Dakota for the construction of a bridge across the Missouri River between Potter County and Dewey County, S. Dak.; to the Committee on Commerce.

By Mr. NORRIS:

A bill (S. 4591) granting a pension to Indiana Fleisher; to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 4592) granting consent of Congress to the Eagle Pass and Piedras Negras Bridge Co. for construction of a bridge across the Rio Grande between Eagle Pass, Tex., and Piedras Negras, Mexico; to the Committee on Commerce.

By Mr. NORRIS:

A bill (S. 4593) authorizing the President to reappoint Maj. Harry Walter Stephenson, United States Army (retired), to the position and rank of major, Coast Artillery Corps, in the United States Army; to the Committee on Military Affairs.

By Mr. LODGE: A bill (S. 4594) to authorize the Secretary of State to acquire in Paris a site, with an erected building thereon, at a cost not to exceed \$300,000, for the use of the diplomatic and consular establishments of the United States; to the Committee on Foreign Relations.

#### AMENDMENT TO THIRD DEFICIENCY APPROPRIATION BILL.

Mr. MOSES submitted an amendment intended to be proposed by him to the third deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, and to be printed in the RECORD, as follows:

That part of the act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1924, and for other purposes, under the heading "Senate," subheading "Committee employees," is hereby amended to read as follows:

"Clerks and messengers to the following committees: Agriculture and Forestry—clerk \$4,000, assistant clerk \$2,500, assistant clerk \$2,100; Appropriations\* (Note)—clerk \$6,000, assistant clerk \$3,000, two assistant clerks at \$2,500 each, three assistant clerks at \$1,800 each, messenger \$1,200; to Audit and Control the Contingent Expenses of the Senate—clerk \$4,000, assistant clerk \$2,500, assistant clerk \$2,100; Banking and Currency—clerk \$4,000, assistant clerk \$2,500, two assistant clerks at \$2,100 each; Civil Service—clerk \$4,000, assistant clerk \$2,500, assistant clerk \$2,100, additional clerk \$1,800; Claims—clerk \$4,000, assistant clerk \$2,500, two assistant clerks at \$2,100 each; Commerce—clerk \$4,000, assistant clerk \$2,500, assistant clerk \$2,100, assistant clerk \$1,800; Conference Minority of the Senate—clerk \$4,000, assistant clerk \$2,500, two assistant clerks at \$2,100 each; District of Columbia—clerk \$4,000, assistant clerk \$2,500, assistant clerk \$2,100; Education and Labor—clerk \$4,000, assistant clerk \$2,500, assistant clerk \$2,100; Enrolled Bills—clerk \$4,000, assistant clerk \$2,500, assistant clerk \$2,100, additional clerk \$1,800; Expenditures in the Executive Departments—clerk \$4,000, assistant clerk \$2,500, assistant clerk \$2,100, additional clerk \$1,800;



Finance\* (Note)—clerk \$4,000, special assistant to the committee \$4,000, assistant clerk \$—, assistant clerk \$—, assistant clerk \$—, two assistant clerks at \$— each, two experts (one for the majority and one for the minority) at \$— each; Foreign Relations—clerk \$4,000, assistant clerk \$2,500, assistant clerk \$2,100; Immigration—clerk \$4,000, assistant clerk \$2,500, assistant clerk \$2,100; Indian Affairs—clerk \$4,000, assistant clerk \$2,500, assistant clerk \$2,100; Inter-oceanic Canals—clerk \$4,000, assistant clerk \$2,500, assistant clerk \$2,100; Interstate Commerce—clerk \$4,000, two assistant clerks at \$2,500 each, assistant clerk \$2,100; Irrigation and Reclamation—clerk \$4,000, assistant clerk \$2,500, assistant clerk \$2,100, additional clerk \$1,800; Judiciary—clerk \$4,000, assistant clerk \$2,500, two assistant clerks at \$2,100 each, assistant clerk \$1,800; Library—clerk \$4,000, assistant clerk \$2,500, assistant clerk \$2,100, additional clerk \$1,800; Manufactures—clerk \$4,000, assistant clerk \$2,500, assistant clerk \$2,100; Military Affairs—clerk \$4,000, assistant clerk \$2,500, three assistant clerks at \$2,100 each; Mines and Mining—clerk \$4,000, assistant clerk \$2,500, assistant clerk \$2,100, additional clerk \$1,800; Naval Affairs—clerk \$4,000, assistant clerk \$2,500, two assistant clerks at \$2,100 each; Patents—clerk \$4,000, assistant clerk \$2,500, assistant clerk \$2,100, additional clerk \$1,800; Pensions—clerk \$4,000, assistant clerk \$2,500, four assistant clerks at \$2,100 each; Post Offices and Post Roads—clerk \$4,000, assistant clerk \$2,500, three assistant clerks at \$2,100 each; Printing—clerk \$4,000, assistant clerk \$2,500, assistant clerk \$2,100; Privileges and Elections—clerk \$4,000, assistant clerk \$2,500, assistant clerk \$2,100; Public Buildings and Grounds—clerk \$4,000, assistant clerk \$2,500, assistant clerk \$2,100; Public Lands and Surveys—clerk \$4,000, assistant clerk \$2,500, two assistant clerks at \$2,100 each; Revision of the Laws—clerk \$4,000, assistant clerk \$2,500, assistant clerk \$2,100, additional clerk \$1,800; Rules—clerk \$4,000 (to include full compensation for the preparation biennially of the Senate Manual, under the direction of the Committee on Rules), assistant clerk \$2,500, assistant clerk \$2,100; Territories and Insular Possessions—clerk \$4,000, assistant clerk \$2,500, assistant clerk \$2,100, additional clerk \$1,800; in all, \$—.

#### CLERICAL ASSISTANCE TO SENATORS.

"For clerical assistance to Senators who are not chairmen of the committees specifically provided for herein: 70 clerks at \$4,000 each, 70 assistant clerks at \$2,500 each, 70 assistant clerks at \$2,100 each, \$602,000: *Provided*, That such clerks and assistant clerks shall be ex officio clerks and assistant clerks of any committee of which their Senator is chairman.

"Eighty-four additional clerks at \$1,200 each, 1 for each Senator having no more than 1 clerk and 2 assistant clerks for himself or for the committee of which he is chairman, \$100,800; in all, \$702,800.

"For compiling the Navy Yearbook for the calendar year 1922, under the direction of the chairman of the Committee on Naval Affairs, \$500."

"[NOTE.—In view of varied salaries, no suggestions are made concerning Finance Committee. No changes have been made in Appropriations Committee, leaving that to your committee to adjust.]

#### MEMBERSHIP OF STATE BANKS, ETC., IN FEDERAL RESERVE SYSTEM.

Mr. McLEAN submitted the following resolution (S. Res. 444), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That the Committee on Banking and Currency of the Senate, or any subcommittee thereof, be, and hereby is, authorized, during sessions and recesses of the Sixty-seventh or Sixty-eighth Congress, to inquire into the effect of the present limited membership of State banks and trust companies in the Federal reserve system upon financial conditions in the agricultural sections of the United States; the reasons which actuate such banks and trust companies in failing to become members of the Federal reserve system; what administrative measures have been taken and are being taken to increase such membership; and whether or not any change should be made in existing law, or in the rules and regulations of the Federal Reserve Board, or in its methods of administration, to bring about in the agricultural sections a larger membership of such banks or trust companies in the Federal reserve system.

In pursuance of this inquiry said committee, or subcommittee thereof, is further authorized to send for persons, books, and papers, to administer oaths, and to employ experts deemed necessary by such committee, a clerk, and a stenographer to report such hearings as may be had in connection with any subject pending before said committee, at a cost not to exceed 25 cents per folio, all expenses incurred in furtherance of the purposes of this resolution to be paid out of the contingent fund of the Senate, not to exceed the sum of \$500.

The committee shall from time to time report to the Senate the results of its inquiries, together with its recommendations, and may prepare and submit bills or resolutions embodying such recommendations, and its final report shall be submitted not later than January 31, 1924.

#### PROPOSED INTERNATIONAL CONFERENCE.

Mr. OWEN. I submit a resolution which I ask may lie on the table.

The resolution (S. Res. 445) was ordered to lie on the table, as follows:

*Resolved*, That the President of the United States is requested to invite all the nations of the earth, whether they have adhered to the covenant of the league or not, to attend, in the city of Washington, United States of America, a three months' international economic conference for the promotion of international trade and understanding and a conference for the establishment throughout the world of the territorial integrity and political independence of every nation, great and small, and the abolition of war.

#### LIQUOR SALES BY SHIPPING BOARD.

Mr. McKELLAR. Mr. President, I offer the resolution which I send to the desk, which I ask that the Secretary may read, and then I shall ask unanimous consent for its immediate consideration.

Mr. CURTIS. Let the resolution be read.

Mr. McKELLAR. I have asked that it be read by the Secretary.

The VICE PRESIDENT. The Secretary will read the resolution.

The reading clerk read the resolution (S. Res. 446) as follows:

*Resolved*, That the Shipping Board report to the Senate at the earliest practicable hour the following:

1. What quantity of whisky, wine, beer, and other alcoholic beverages was sold on Shipping Board vessels during the time that such sales were carried on with the approval of the Shipping Board?

2. What was the quantity dispensed per vessel?

3. What quantity of these liquors was purchased by the Shipping Board or by its agents, and what was the total value thereof and the total receipts thereof per vessel?

4. How many pints, quarts, and cases of liquor were sold to passengers independent of what they purchased over the bars of the vessels?

5. How much liquor was purchased by the crews of such vessels and what was the value thereof?

6. Was liquor served as a part of the crews' mess and could the crews of such vessels purchase liquor freely?

7. How many pints, quarts, gallons, and barrels of whisky, wine, beer, and cognac and other intoxicating beverages were in the possession of the Shipping Board when the order was given to stop selling same aboard vessels?

7a. Has any of these liquors been sold in the United States?

8. Where is this liquor at the present time? If disposed of, to whom, at what prices, where shipped, and what was total amount of sales?

9. Was any of it sold to officers or members of the crews of such vessels or to any employees of the Shipping Board, and at what prices, when the order for stoppage of sales was given?

10. Did any of the officials of the Shipping Board or officers of Shipping Board vessels engage in the sale of liquors to passengers aboard vessels for private gain?

11. To what extent, if any, is liquor being sold aboard vessels at the present time? Are any prohibition enforcement officers allowed aboard such vessels?

12. What was total amount of profits made by the Shipping Board out of sales of intoxicating beverages?

Mr. McKELLAR. I ask unanimous consent for the immediate consideration of the resolution.

Mr. CALDER. I object to the consideration of the resolution.

Mr. McKELLAR. Then I ask that the resolution be printed and lie on the table.

The VICE PRESIDENT. The resolution will be printed and go over under the rule.

#### REVISION OF THE LAWS.

Mr. HARRISON. Mr. President, I desire to submit a motion which I ask may lie on the table. It is a motion to discharge a committee from the consideration of a bill.

The VICE PRESIDENT. The Secretary will read the motion intended to be submitted by the Senator from Mississippi.

The reading clerk read as follows:

I move to discharge the Committee on Revision of the Laws from the further consideration of the bill (H. R. 12) to consolidate, codify, revise, and reenact the general and permanent laws of the United States in force March 4, 1919.

The VICE PRESIDENT. The motion will be entered.

#### AMENDMENT OF WAR RISK INSURANCE ACT.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 10003) to further amend and modify the war risk insurance act, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCUMBER. I move that the Senate insist on its amendments, accede to the request of the House for a conference, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. McCUMBER, Mr. SMOOT, and Mr. WILLIAMS conferees on the part of the Senate.

#### CONSIDERATION OF THE CALENDAR.

The VICE PRESIDENT. Is there further morning business?

Mr. SUTHERLAND. Mr. President, I desire to ask whether it is intended when we take up the calendar that its consideration shall begin where it was left off a week ago or whether we shall go back to the beginning?

The VICE PRESIDENT. No such order has been made, and, unless it is made, the consideration of the calendar will commence at the beginning.

Mr. SUTHERLAND. Mr. President, I move that to-day we begin the consideration of the calendar where its consideration was left off a week ago, and after that that we shall go back to the beginning of the calendar.

Mr. SMOOT. I understood that there was a unanimous-consent agreement to begin the consideration of the calendar under Rule VIII with the first bill appearing on the calendar.

Mr. McCUMBER. I do not so understand, and if that is the record, I should like to see it.

Mr. SMOOT. I think that is the record. I think objection was made by the Senator from Nebraska to beginning with the calendar at the point where its consideration was left off the last time it was before the Senate.



Mr. NEW. Mr. President, I have been unable to hear the Senator from Utah. Do I understand from what he has said that unanimous consent was asked and given that we begin this morning with the consideration of the calendar with the first bill?

Mr. SMOOT. As I understand, the first request for unanimous consent was that we begin with the calendar where we left off when it was last under consideration, but that the Senator from Nebraska objected and requested that the calendar should be taken up without that understanding. I will look up the record in regard to the matter; but what I have stated is my impression.

Mr. ROBINSON. Mr. President, I can clear up the situation. The unanimous-consent agreement entered into provides for a consideration of unobjected bills on the calendar under Rule VIII, but does not specify with what number on the calendar the Senate shall begin its consideration. So I assume that the agreement contemplated that the consideration of the calendar this morning was to commence at the beginning of the calendar. It is certainly proper that the Senate should have an opportunity to pass upon all the bills on the calendar, and if possible clean up the calendar. Mr. President, I call for the regular order.

Mr. LODGE. Mr. President—

The VICE PRESIDENT. The Chair has already made the statement which has just been made by the Senator from Arkansas.

Mr. LODGE. Mr. President, I was merely going to say what has already been stated. The agreement covers the consideration of unobjected bills on the calendar, commencing at the beginning.

Mr. NEW. Mr. President, I submit that it is not entirely fair that we should begin the consideration of the calendar with the first bill thereon. We had reached Order of Business No. 1042 when the calendar was last under consideration, and had that bill under consideration when the morning hour closed. That was the situation when the calendar was last under consideration. It would be just as easy to begin with Order of Business 1042 to-day, and after the end of the calendar shall have been reached to return to the numbers preceding it, as it would be to begin with the first bill on the calendar. Should the latter method be adopted there will be bills on the calendar which will have no chance for consideration at all, while the bills which are first on the calendar will have had two chances at least.

Mr. McCUMBER. They will have had three or four chances.

Mr. NEW. As the Senator from North Dakota suggests, they will have had three or four chances. I submit that in ordinary fairness we should begin with the calendar where we left off its consideration the other day.

Mr. ROBINSON. Mr. President, will the Senator from Indiana yield to me?

Mr. NEW. Certainly.

Mr. ROBINSON. For more than a month the Senate has been beginning with the calendar where it left off the last time the calendar was under consideration. It has made no substantial progress. The matter was discussed informally at least the other day when the request for unanimous consent was made, and objection was indicated. Though, perhaps, it does not appear in the RECORD, it was known that objection would be made against beginning where the calendar was left off on the last call of the calendar, the object being to give an opportunity to consider all bills on the calendar.

If we do not consume the time in which those bills may be considered in contesting where we shall begin, we can, under Rule VIII, consider every bill on the calendar. Any Senator can at any time object to the consideration of a bill which is called on the calendar.

Mr. NEW. Certainly he can under the rule.

Mr. ROBINSON. We may thus complete the calendar.

Mr. FLETCHER. A parliamentary inquiry, Mr. President.

The VICE PRESIDENT. The Senator from Florida will state his parliamentary inquiry.

Mr. FLETCHER. Have we disposed of morning business and reached the calendar?

The VICE PRESIDENT. The Chair inquired if there was any further morning business and several Senators rose.

Mr. MYERS. I desire to present some additional morning business for a second, if I may. Will the Senator from Indiana yield to me for a second?

Mr. NEW. I yield to the Senator for the purpose of the introduction of a bill or any such purpose as that.

[Mr. MYERS presented a memorial of the Legislature of the State of Montana, which appears under the proper heading.]

Mr. NEW. Mr. President, in the interest of fairness I move that the Senate proceed with the consideration of bills on the calendar, beginning at the point where we left off when the calendar was last under consideration.

Mr. ROBINSON. I make the point of order that that motion is not in order.

The VICE PRESIDENT. The point of order is well taken.

Mr. ROBINSON. I demand the regular order.

The VICE PRESIDENT. The regular order is the completion of morning business. Is there further morning business? If there is no further morning business, morning business is closed. The calendar under Rule VIII, under the unanimous-consent agreement, is in order. The Secretary will state the first bill on the calendar.

#### BILLS AND JOINT RESOLUTIONS PASSED OVER.

The bill (S. 491) to provide, without expenditure of Federal funds, the opportunities of the people to acquire rural homes, and for other purposes, was announced as first in order.

Mr. ROBINSON. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 7) to amend the act entitled "An act to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, and real estate brokers in the District of Columbia," approved February 4, 1913, was announced as next in order.

Mr. ROBINSON. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2228) to amend certain sections of the Judicial Code relating to the Court of Claims was announced as next in order.

Mr. SMOOT. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 8331) to amend the transportation act, 1920, and for other purposes, was announced as next in order.

Mr. ROBINSON. Mr. President, that is a very important measure, and I believe it will require some time to discuss it. So I suggest that it go over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 41) authorizing transportation for dependents of Army field clerks and field clerks, Quartermaster Corps, was announced as next in order.

Mr. SMOOT. I ask that the joint resolution go over.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (S. 2718) to provide for leasing of the floating dry dock at the naval station, New Orleans, La., was announced as next in order.

Mr. PAGE. Mr. President, I have been requested by several Senators to ask that Order of Business No. 376, being Senate bill 2718, be recommitted to the Committee on Naval Affairs for further consideration, and I ask unanimous consent that that be done.

The VICE PRESIDENT. Without objection, the bill is recommitted to the Committee on Naval Affairs.

The bill (S. 2589) to amend section 11 of the act entitled "An act for the retirement of public-school teachers in the District of Columbia," approved January 15, 1920, was announced as next in order.

Mr. McCUMBER. I notice that the author of this bill is not present, and I think it due to him that it be passed over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 67) for the relief of the heirs of Adam and Noah Brown was announced as next in order.

Mr. SMOOT and Mr. KING asked that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1539) for the relief of Watson B. Dickerman, administrator of the estate of Charles Backman, deceased, was announced as next in order.

Mr. KING and Mr. SMOOT asked that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1861) authorizing the Court of Claims to adjudicate the claim of Capt. David McD. Shearer for compensation for the adoption and use and acquisition by the United States Government of his patented inventions was announced as next in order.

Mr. SMOOT. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 133) proposing an amendment to the Constitution of the United States was announced as next in order.

Mr. ROBINSON. I ask that that go over.

The VICE PRESIDENT. The joint resolution will be passed over.



The bill (S. 14) providing for the election of a Delegate to the House of Representatives from the District of Columbia, and for other purposes, was announced as next in order.

Mr. WILLIS. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2992) authorizing the Secretary of War to furnish certain information for historical purposes to the adjutants general of the several States and the District of Columbia, and making an appropriation therefor, was announced as next in order.

Mr. LODGE. That bill does not appear on the calendar. According to the calendar before me the next number is 537.

Mr. ROBINSON. Mr. President, I rise to a parliamentary inquiry. I do not know whether or not the inquiry comes strictly within the rule, but the Secretary is calling a bill which is not printed on the calendar which has been laid on the desks of Senators.

The VICE PRESIDENT. The Chair is advised that the bill the title of which has just been stated by the Secretary has passed the Senate, but a motion to reconsider it is pending.

Mr. ROBINSON. Very well; let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3254) to encourage the development of the agricultural resources of the United States through Federal and State cooperation, giving preference in the matter of employment and the establishment of rural homes to those who have served with the military and naval forces of the United States, was announced as next in order.

Mr. McNARY. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1343) granting relief to persons who served in the Military Telegraph Corps of the Army during the Civil War was announced as next in order.

Mr. SMOOT. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1345) to amend an act entitled "interstate commerce act," approved February 28, 1920, was announced as next in order.

Mr. NEW. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1346) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, including the safety appliance acts and the act providing for the valuation of the several classes of property of carriers subject to the Interstate Commerce Commission, approved March 1, 1913, was announced as next in order.

Mr. NEW. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2921) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto, was announced as next in order.

Mr. KING. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 188) creating a committee to investigate existing conditions of industry and commerce in the United States for the purpose of recommending to Congress legislation defining the rights and limitations of cooperative organizations as distinguished from illicit combinations in restraint of trade was announced as next in order.

Mr. KING and Mr. WILLIS asked that the joint resolution go over.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (S. 171) to extend the provisions of the act of May 11, 1912, was announced as next in order.

Mr. KING. Reserving the right to object, I should like to have the bill read.

The reading clerk proceeded to read the bill.

Mr. KING. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 227) rejecting bids for the acquisition of Muscle Shoals, was announced as next in order.

Mr. ROBINSON. Let that go over.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (H. R. 13) to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching, was announced as next in order.

Mr. ROBINSON. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3146) to amend section 5 of the United States cotton futures act was announced as next in order.

Mr. WILLIS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2388) for the relief of Augusta Reiter was announced as next in order.

Mr. NEW. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3858) to define butter and to provide a standard therefor was announced as next in order.

Mr. STERLING. Mr. President, a few days ago I asked unanimous consent for the present consideration of this bill. Some objection was made to the consideration of the bill at that time, the Senator making the objection desiring further time to look into it. Since that time—

Mr. WILLIAMS. Mr. President, if this is Senate bill 3858, I ask that it go over.

Mr. STERLING. Will the Senator permit me to complete the statement? Since the objection made the other day to the further consideration of the bill, the bill has passed the House in identically the same language as here, except for the addition of six words at the end of the bill; and I hope to move—

Mr. WILLIAMS. I ask that it go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 211) to extend the provisions of the pension act of May 11, 1912, and May 1, 1920, to the officers and enlisted men of all State militia and other State organizations that rendered service to the Union cause during the Civil War for a period of 90 days or more, and providing pensions for their widows, minor children, and dependent parents, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3995) to authorize the Secretary of Agriculture to exterminate bean beetles in the State of New Mexico, and authorizing expenditures therefor, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

JOHN L. LIVINGSTON.

The bill (S. 2792) for the relief of John L. Livingston was announced as next in order.

Mr. KING. Let that go over.

Mr. NICHOLSON. Mr. President, I should like to ask the Senator from Utah to permit the consideration of this bill, because this case is a very meritorious one. It is the case of a young man who was connected with the Naval Air Service. Eleven days after the armistice was signed, in the line of duty, he had his back broken. He was in front of the propeller, and the pilot of the airplane started the propeller in motion and broke his back. He was in the hospital here for about nine months, and he is declared by the physicians to be incurable. His retirement has been recommended by the Secretary of the Navy, and I may say that all of the members of the Naval Affairs Committee excepting one reported favorably on this bill.

Mr. KING. Mr. President, as I understand the bill, the beneficiary was not a regular officer of the Navy.

Mr. NICHOLSON. He attained the rank of captain during the war.

Mr. KING. Yes; but he merely came in during the war, with the expectation of retiring to private life after the war was over.

Mr. NICHOLSON. I do not know that it was with that expectation. I am not sure about that.

Mr. KING. If he were a naval officer, it seems to me he would be entitled to the benefits of retirement without any special legislation.

Mr. NICHOLSON. I know that at the time of the accident he was a commissioned officer and in good health and physical condition, and from the reports before us we can be certain he is not in that condition now.

Mr. KING. There is no doubt but that the Government ought to care for this man and care for him most liberally and generously, and I can not understand why the compensation acts do not apply to him. The objection that I have to the bill is this: There is a determined effort, as the Senator knows, to give to reserve officers, both in the Army and in the Navy, the benefits of the retirement privileges which are given to the Regular Army officers. We passed a bill—I think it was injudiciously passed—which extended these benefits to reserve officers of the Navy. When we saw the injurious consequences resulting therefrom we speedily repealed it. This is a return to that principle; and if we give this man the benefit of retirement privileges, then it seems to me we must give to every reserve officer, both in the Army and in the Navy, the same benefit.



Opposition to this measure is not grounded upon the proposition that this man should not be compensated for his injuries. He was in the service, and he is entitled to compensation; and, as the Senator knows, liberal compensation is provided for those who receive injuries. If the compensation act now does not give him all that he is entitled to by reason of his serious injury, I shall be very happy to join with the Senator in passing a bill giving to him most liberal and most generous compensation.

Mr. NICHOLSON. I want to say to the Senator from Utah that I am quite sure the compensation act does not give him what he is entitled to; and, if my memory serves me right, I believe the Secretary of the Navy said that if this bill was passed and he was placed upon the retirement list his compensation would not exceed \$125 a month.

Mr. KING. The only objection I have to it is the precedent that it will establish. The Senator knows that a very great effort is being made now to drive through the Congress a bill to give to reserve officers all of the benefits of retirement. I am opposed to that measure. I am willing to give to this man, if the Senator will offer an independent bill, most generous compensation for life if his injuries are permanent.

Mr. NICHOLSON. I think the Senator will agree that this bill does not place him on a retired officer's pay. I think, if the Senator will look up the matter, he will find that the bill does not provide for a retired officer's pay in this case.

Mr. KING. If the Senator will permit me, I think this language means that. It says that he shall be eligible for retirement as if his physical disability was incurred in time of war.

Mr. NICHOLSON. Yes; but he did not have the rank of captain at the time he was disabled, so that the Senator's objection does not apply to his case.

Mr. KING. It would carry him to the retired list with the grade that he had. I say to the Senator that it is quite likely, from the character of the injuries to which the Senator refers, that this man may be entitled to more than he would receive as a retired officer of the rank which he had, and I should be willing to vote for it; but I am not willing to support this bill, because, as I understand its terms, it announces the proposition that we will give to reserve officers who will go back into private life the same retirement benefits and privileges that are enjoyed by the officers of the Regular Army and Navy.

Mr. NICHOLSON. Is the Senator quite sure that the case which we have under consideration comes under the classification to which he refers?

Mr. KING. I think so. That is my opinion.

Mr. NICHOLSON. But there is a doubt about it. We are about to adjourn. This man is without means to support himself, because he is totally disabled and therefore unable to earn a living. We do not meet until next December. I think it is a great imposition upon this man, who served his country faithfully and with distinction, to be denied relief at this time. That is the way I feel about it.

Mr. KING. Mr. President, he will not be denied relief, because he is entitled to compensation now.

Mr. NICHOLSON. But he is not receiving compensation now.

Mr. KING. It is because he has not applied for it, then.

Mr. FRELINGHUYSEN. Mr. President—

The VICE PRESIDENT. The Senator from New Jersey. The time of the Senator from Colorado has expired.

Mr. FRELINGHUYSEN. Does not this throw some light on the case? In hearings, in the letter from the Secretary of the Navy—

Mr. SMOOT. Mr. President, I will object to the consideration of the bill, if no one else will.

The VICE PRESIDENT. Upon objection, of course, the bill goes over.

Mr. WALSH of Massachusetts. Mr. President—

Mr. HEFLIN. I did not understand that there was objection. Some disposition ought to be made of this case.

The VICE PRESIDENT. The Senator from Utah [Mr. SMOOT] objects.

Mr. HEFLIN. If this soldier's back is broken, and he has to live on charity, something ought to be done, and something must be done to relieve him now, because Congress will adjourn March 4.

Mr. WALSH of Massachusetts. Mr. President, who has the floor?

Mr. HEFLIN. I give notice that we will not consider any other measures unless something is done for this poor unfortunate soldier.

The VICE PRESIDENT. The Senator from New Jersey has the floor. Does the Senator yield?

Mr. HEFLIN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll. The roll was called, and the following Senators answered to their names:

|               |              |           |              |
|---------------|--------------|-----------|--------------|
| Ashurst       | George       | McKinley  | Sheppard     |
| Ball          | Gerry        | McLean    | Smith        |
| Bayard        | Glass        | McNary    | Smoot        |
| Brookhart     | Hale         | Moses     | Spencer      |
| Broussard     | Harrell      | New       | Stanfield    |
| Calder        | Harris       | Nicholson | Sterling     |
| Capper        | Harrison     | Norbeck   | Sutherland   |
| Caraway       | Hefflin      | Norris    | Swanson      |
| Colt          | Hitchcock    | Oddie     | Townsend     |
| Conzens       | Johnson      | Overman   | Underwood    |
| Culberson     | Jones, Wash. | Page      | Wadsworth    |
| Curtis        | Kellogg      | Pepper    | Walsh, Mass. |
| Dial          | Keyes        | Phipps    | Walsh, Mont. |
| Dillingham    | King         | Pittman   | Warren       |
| Edge          | Ladd         | Poinexter | Watson       |
| Ernst         | La Follette  | Pomerene  | Weller       |
| Fernald       | Lenroot      | Ransdell  | Williams     |
| Fletcher      | Lodge        | Reed, Mo. | Willis       |
| France        | McCumber     | Reed, Pa. |              |
| Frelinghuysen | McKellar     | Robinson  |              |

The VICE PRESIDENT. Seventy-eight Senators having answered to their names, a quorum is present.

Mr. ROBINSON. Mr. President, I ask the Senator from Alabama not to persist in the announcement he made a moment ago, and that he permit us to consider the calendar in regular order. I suggest that the next number on the calendar be called.

The VICE PRESIDENT. The Secretary will report the next bill on the calendar.

Mr. WILLIAMS. Mr. President, a moment ago I objected to the consideration of Order of Business No. 847, Senate bill 3858, a bill introduced by the Senator from South Dakota [Mr. STERLING]. I made the objection under a misapprehension about the bill. I wish to withdraw the objection.

Mr. DIAL. Mr. President, I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

#### BILLS PASSED OVER.

The bill (H. R. 12817) to amend and supplement the merchant marine act, 1920, and for other purposes, was announced as next in order.

The VICE PRESIDENT. Being the unfinished business, the bill will be passed over.

The bill (S. 3247) to transfer to the classified service agents and inspectors in the field service, including general prohibition agents and field supervisors appointed and employed pursuant to the national prohibition act, and for other purposes, was announced as next in order.

Mr. WILLIAMS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 4050) to provide for the purchase and sale of farm products was announced as next in order.

Mr. WILLIAMS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 4012) to control the possession, sale, and use of pistols and revolvers in the District of Columbia, to provide penalties, and for other purposes, was announced as next in order.

Mr. PITTMAN. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3252) to amend paragraph 8 of the act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901, as amended, was announced as next in order.

Mr. SMOOT. The employees of the District of Columbia will be taken care of under the reclassification bill, and there is no reason for our passing this bill. I ask that it go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 799) to prevent deceit and unfair prices that result from the unrevealed presence of substitutes for virgin wool in woven fabrics purporting to contain wool and in garments or articles of apparel made therefrom, manufactured in any Territory of the United States or the District of Columbia or transported or intended to be transported in interstate or foreign commerce, and providing penalties for the violation of the provisions of this act, and for other purposes, was announced as next in order.

Mr. LODGE. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 2049) for the relief of the Delaware River Lightering Co. was announced as next in order.

Mr. WILLIAMS. I ask that that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 4619) for the relief of the Link-Belt Co., of Philadelphia, Pa., was announced as next in order.



Mr. WILLIAMS. Let that go over.

Mr. SWANSON. I hope the Senator from Mississippi will not object to the four bills, beginning with Order of Business 950, because if he is going to object to this kind of bill, he might as well object to everything. These four bills passed the House and were reported unanimously. They are bills covering cases of collision with Government boats, and they simply provide that the cases shall go to the Court of Claims for adjudication.

Mr. WILLIAMS. Did the Senator say they have been adjudicated?

Mr. SWANSON. They have not been adjudicated. These are bills to refer the claims to the Court of Claims for adjudication. I suppose that 35 or 40 similar bills have been passed before. They are simply to allow the claims to be taken to the Court of Claims for adjudication.

Mr. WILLIAMS. I withdraw the objection.

The VICE PRESIDENT. The Secretary will report Order of Business 950.

#### DELAWARE RIVER LIGHTERING CO.

The bill (H. R. 2049) for the relief of the Delaware River Lightering Co. was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury is hereby authorized and directed to pay, out of the Treasury of the United States, from funds not otherwise appropriated, \$1,960, under such conditions as the Secretary of the Navy may direct, to the Delaware River Lightering Co., of the city of Philadelphia, State of Pennsylvania, in full payment for damages done when the Navy tug *Carl R. Gray* collided with and damaged the barge *Ruth*, owned and operated by the said Delaware River Lightering Co.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### LINK-BELT CO., OF PHILADELPHIA, PA.

The bill (H. R. 4619) for the relief of the Link-Belt Co., of Philadelphia, Pa., was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the claim of the Link-Belt Co., of Philadelphia, Pa., a corporation organized under the laws of the State of Pennsylvania, for damages alleged to have been sustained by a certain coal chute under construction by said Link-Belt Co. for the Norfolk & Western Railroad on its coal pier No. 3 at Lambert's Point, in the city of Norfolk, Va., by reason of collision therewith by the U. S. S. *Buitenzorg* on the 1st day of March, 1919, may be submitted to the United States District Court for the Eastern District of Virginia at Norfolk, under and in compliance with the rules of said court, sitting as a court of admiralty; and that the said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the legal damages sustained by reason of said collision, if any shall be found to be due, either for or against the United States, upon the same principle and measure of liability, with costs, as in like cases in admiralty between private parties, with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### TH. BROVIG.

The bill (H. R. 4620) for the relief of Th. Brovig was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the claim of Th. Brovig, owner of the Norwegian bark *Bennestvet*, against the United States for damages alleged to have been caused by collision between the said vessel and the U. S. barge *F. W. Babcock* in Hampton Roads on the 29th day of June, 1919, may be sued for by the said Th. Brovig in the District Court of the United States for the Eastern District of Virginia, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of Th. Brovig or against Th. Brovig in favor of the United States upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### OWNERS OF ITALIAN STEAMER "TITANIA."

The bill (H. R. 4622) for the relief of the Lloyd Mediterraneo Societa Italiana di Navigazione, owners of the Italian steamer *Titania*, was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the claim of the Lloyd Mediterraneo Societa Italiana di Navigazione, owners of the Italian steamer *Titania*, arising out of a collision between said steamer and the United States S. C. #21, which occurred at the south side of pier No. 2 of the Norfolk & Western Railway Co., Lambert's Point, Va., on July 18, 1919, for and on account

of the losses alleged to have been suffered by the owners of said steamer by reasons of damages to said steamer, may be submitted to the United States Court for the Eastern District of Virginia, under and in compliance with the rules of said court sitting as a court of admiralty; and that the said court shall have jurisdiction to hear and determine the whole controversy and to enter judgment or decree for the amount of the legal damages sustained by reason of said collision, if any shall be found to be due, either for or against the United States, upon the same principle and measure of liability, with costs, as in like cases of admiralty between private parties, with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### EPHRAIM LEDERER.

The bill (H. R. 5249) for the relief of Ephraim Lederer, collector of internal revenue for the first district of Pennsylvania, was announced as next in order.

Mr. KING. Reserving the right to object, I ask that the bill be read.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to credit the account of Ephraim Lederer, collector of internal revenue for the first district of Pennsylvania, by reason of shortage of 100 sheets of class C cigar stamps, each set consisting of 20 stamps, each of said stamps being worth 45 cents, a total of \$900. Also for the loss of a book of wholesale liquor dealers' special-tax stamps, consisting of 10 stamps, each of the value of \$100, and totaling \$1,000.

Mr. KING. I would like to have some explanation of the bill. If not, I will ask for the reading of the report. Let the report be read.

The report, No. 979, submitted by Mr. CAPPER January 4, 1923, was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 5249) for the relief of Ephraim Lederer, collector of internal revenue for the first district of Pennsylvania, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The facts in the case are fully set forth in House Report No. 246, Sixty-seventh Congress, first session, which is appended hereto and made a part of this report.

House Report No. 246, Sixty-seventh Congress, first session.

The Committee on Claims, to whom was referred the bill (H. R. 5249) for the relief of Ephraim Lederer, collector of internal revenue for the first district of Pennsylvania, having considered the same, report thereon with a recommendation that it do pass.

This is a bill to credit to the account of the collector of internal revenue, Philadelphia, Pa., for losses of stamps occurring in his office.

The facts in the case are fully stated in the letter of the Secretary of the Treasury, under date of June 21, 1921, and which is made a part of this report.

As it had been customary for Congress to grant relief for losses occurring in the various offices of the Treasury Department, and as this bill has the approval of the Secretary of the Treasury, favorable consideration of the measure is recommended.

— TREASURY DEPARTMENT,  
Washington, June 21, 1921.

HON. GEO. W. EDMONDS,

Chairman Committee on Claims, House of Representatives.

MY DEAR MR. EDMONDS: Referring further to your letter of the 16th ultimo, inclosing a copy of bill (H. R. 5249) for the relief of Ephraim Lederer for 100 sheets of class C cigar stamps and one book of wholesale liquor dealers' special-tax stamps, with a money value totaling \$1,900, found to be short in his revenue account as collector of internal revenue for the first district of Pennsylvania, I wish to state that an investigation conducted by the Bureau of Internal Revenue established the following facts:

That, on or about November 7, 1919, a package containing class C cigar stamps was received in the office of the collector for the first district of Pennsylvania, receipted for, and charged in his accounts according to the quantity of stamps designated in the invoice, without verifying the contents of the package; that the stamps were shipped from the Internal Revenue Bureau in a sealed package as received from the Bureau of Engraving and Printing; that it is customary in the Bureau of Engraving and Printing for expert counters to verify by actual count the number of stamps to be placed in sealed packages for delivery to the Commissioner of Internal Revenue; that the stamp account and stock of stamps in the office of Collector Lederer were in balance at the close of business November 6, 1919; that on or about November 7, 1919, there was found to be short one layer of 100 sheets of class C stamps, and each cigar manufacturer who had purchased this class of stamps was visited and his stamps on hand verified, but no excess was discovered; that an assistant supervisor of collectors' offices visited each of the stamp deputies outside of the Philadelphia office, checked up the office and verified the stamps on hand, but no discrepancies in the stamp deputies' accounts were found; that the sales of cigar stamps were checked against Forms 72 (cigar manufacturers' returns) for the month of November, 1919, and were found to be in agreement; that the investigation made by the Bureau of Internal Revenue failed to determine how the shortage occurred or to fix the responsibility therefor, and in the absence of conclusive evidence, Collector Lederer is in no way to blame for the shortage in his accounts of 2,000 stamps with a money value of \$900.

An investigation also conducted by the Bureau of Internal Revenue shows that one package of wholesale liquor dealers' special-tax stamps, consisting of 10 stamps, each valued at \$100, a total of \$1,000, was lost in the process of moving from the Federal Building to the Vandam Building, Philadelphia, Pa., on July 30, 1920; that the stamps con-



tained in this book did not bear the stamp of the first district of Pennsylvania, nor did they bear the facsimile signature of the collector; that without the signature of the collector these special-tax stamps would be of no value to anyone, and that the loss was unavoidable.

Mr. KING. I shall not object to the consideration of this bill, but I shall vote against it and ask for a vote. It seems to me there was negligence upon the part either of the collector or some other person. The committee does not attempt to localize the negligence, nor does the Secretary of the Treasury, and if we are to make appropriations of this kind, without fastening the responsibility, of course it will make for negligence and will result in an increase in the number of claims for which the Government will be called upon to appropriate. I ask for a vote.

Mr. HEFLIN. Mr. President, I have no desire to stop the consideration of bills on the calendar. I am simply trying to have justice done to a poor unfortunate American soldier who had his back broken by a Government airplane, who has no means of support, and who is entitled to Government aid. I am not going to object to the consideration of other measures, because there has been an agreement made by which the Senator from Colorado [Mr. NICHOLSON] can get his bill through. He is now preparing an amendment, and I understand there will be no objection to it.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

IKE T. BOYLES.

The bill (H. R. 5648) for the relief of Ike T. Boyles was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the Postmaster General be, and is hereby, authorized and directed to credit the accounts of Ike T. Boyles, postmaster at Stiles, Tex., in the sum of \$343.57, due to the United States on account of postal funds, money-order funds, and postage stamps on account of losses resulting from fire January 24, 1916.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### AMENDMENT TO BANKRUPTCY LAW.

Mr. WALSH of Montana. Mr. President, I have been detained in the Committee on the Judiciary. I inquire what disposition was made of Order of Business 589, Senate bill 2921, to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto.

The VICE PRESIDENT. It went over under objection.

Mr. WALSH of Montana. I am very desirous that that bill shall have consideration. I think it is a good bill.

There being no objection, the Senate as in Committee of the Whole proceeded to consider the bill.

The bill had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and to insert:

That section 3 (a), section 14 (b), section 24 (b), section 25 (a), section 29 (a), (b), and (d), section 57 (n), section 60 (a), section 62, section 64 (a), and section 72 of an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto be, and the same are hereby, amended so as to read as follows:

"SEC. 3. (a) Acts of bankruptcy by a person shall consist of his having (1) conveyed, transferred, concealed, or removed, or permitted to be concealed or removed, any part of his property with intent to hinder, delay, or defraud his creditors, or any of them; or (2) transferred, while insolvent, any portion of his property to one or more of his creditors with intent to prefer such creditors over his other creditors; or (3) suffered or permitted, while insolvent, any creditor to obtain a preference through legal proceedings, and not having at least five days before a sale or final disposition of any property affected by such preference vacated or discharged such preference; or (4) suffered or permitted, while insolvent, any creditor to obtain through legal proceedings any levy, attachment, judgment, or other lien, and not having vacated or discharged the same at least five days before the expiration of four months from the date of obtaining such levy, attachment, judgment, or other lien; or (5) made a general assignment for the benefit of his creditors; or, being insolvent, applied for a receiver or trustee for his property, or because of insolvency a receiver or trustee has been put in charge of his property under the laws of a State, of a Territory, or of the United States; or (6) admitted in writing his inability to pay his debts and his willingness to be adjudged a bankrupt on that ground.

"SEC. 14. (b) The judge shall hear the application for a discharge, and such proofs and pleas as may be made in opposition thereto by the trustee or other parties in interest, at such time as will give the trustee or parties in interest a reasonable opportunity to be fully heard, and investigate the merits of the application and discharge the applicant unless he has (1) committed an offense punishable by imprisonment as herein provided; or (2) with intent to conceal his financial condition, destroyed, concealed, or failed to keep books of account or records from which such condition might be ascertained; or (3) obtained money or property on credit upon a materially false statement in writing made by him to any person, or his representative, for the purpose of obtaining credit from such person; or (4) at any time subsequent to the first day of the 12 months immediately preceding the filing of the petition transferred, removed, destroyed, or concealed, or

permitted to be removed, destroyed, or concealed, any of his property, with intent to hinder, delay, or defraud his creditors; or (5) in voluntary proceedings been granted a discharge in bankruptcy within six years; or (6) in the course of the proceedings in bankruptcy refused to obey any lawful order of, or to answer any material question approved by the court: *Provided*, That a trustee shall not interpose objections to a bankrupt's discharge until he shall be authorized so to do at a meeting of creditors called for that purpose.

"SEC. 24. (b) The several circuit courts of appeal shall have jurisdiction in equity, either interlocutory or final, to superintend and revise in matter of law the proceedings of the several inferior courts of bankruptcy within their jurisdiction. Such power shall be exercised on due notice and petition by any party aggrieved, and such petition shall be filed within 30 days after the judgment or order or other matter complained of has been rendered or entered.

"SEC. 25. (a) Appeals, as in equity cases, may be taken in bankruptcy proceedings from the courts of bankruptcy to the circuit courts of appeal of the United States, and to the supreme courts of the Territories in the following cases, to wit: (1) From a judgment adjudging or refusing to adjudge the defendant a bankrupt; (2) from a judgment granting or denying a discharge; and (3) from a judgment allowing or rejecting a debt or claim of \$500 or over. Such appeal shall be taken within 30 days after the judgment appealed from has been rendered, and may be heard and determined by the appellate court in term or vacation, as the case may be.

"SEC. 29. (a) A person shall be punished by imprisonment for a period not to exceed five years upon conviction of the offense of having knowingly and fraudulently appropriated to his own use, embezzled, spent, or unlawfully transferred any property or secreted or destroyed any document belonging to a bankrupt estate which came into his charge as trustee, receiver, custodian, or other officer of the court.

"(b) A person shall be punished by imprisonment for a period not to exceed two years upon conviction of the offense of having knowingly and fraudulently (1) concealed any property belonging to the estate of a bankrupt; or (2) made a false oath or account in, or in relation to, any proceeding in bankruptcy; (3) presented under oath any false claim for proof against the estate of a bankrupt, or used any such claim in composition personally or by agent, proxy, or attorney, or as agent, proxy, or attorney; or (4) received any material amount of property from a bankrupt after the filing of the petition, with intent to defeat this act; or (5) extorted or attempted to extort any money or property from any person as a consideration for acting or forbearing to act in bankruptcy proceedings.

"(d) A person shall not be prosecuted for any offense arising under this act, unless the indictment is found or the information is filed in court within three years after the commission of the offense, except where he has been absent from the United States or any place subject to their jurisdiction, in which case the time during which such person has been so absent from the jurisdiction shall not be a part of the period of limitation prescribed herein.

"(b) The Attorney General shall have the power, through inspectors or agents, to inspect and audit all records in bankruptcy.

"SEC. 57. (n) Claims shall not be proved against a bankrupt estate subsequent to six months after the adjudication; or if they are liquidated by litigation and the final judgment therein is rendered within 30 days before or after the expiration of such time, then within 60 days after the rendition of such judgment: *Provided*, That the right of infants and insane persons without guardians, without notice of the proceedings, may continue six months longer.

"SEC. 60. (a) A person shall be deemed to have given a preference if, being insolvent, he has, within four months before the filing of the petition, or after the filing of the petition and before the adjudication, procured or suffered a judgment to be entered against himself in favor of any person, or made a transfer of any of his property, and the effect of the enforcement of such judgment or transfer will be to enable any of his creditors to obtain a greater percentage of his debt than any other of such creditors of the same class. Where the preference consists in a transfer, such period of four months shall not expire until four months after the date of the recording or registering of the transfer, if by law such recording or registering is required or permitted.

"SEC. 62. (a) The actual and necessary expenses incurred by officers in the administration of estates shall, except where other provisions are made for their payment, be reported in detail, under oath, and examined and approved or disapproved by the court. If approved, they shall be paid or allowed out of the estates in which they were incurred. Such expenses shall be only the expenses actually incurred, and shall not be commuted at fixed rates.

"(b) All clerk hire, office rent, and other overhead expenses of the referee's office shall be paid only from the referee's compensation prescribed in section 40 of the bankruptcy law as amended, and shall not in any other way become a charge upon the respective estates.

"SEC. 64. (a) The court shall order the trustee to pay all taxes legally due and owing by the bankrupt to the United States, State, county, district, or municipality in advance of the payment of dividends to creditors, and upon filing the receipts of the proper public officers for such payment he shall be credited with the amount thereof, and in case any question arises as to the amount or legality of any such tax the same shall be heard and determined by the court: *Provided*, That such payment shall not be made out of the assets of the estate on account of any taxes assessed or levied upon property which does not become an asset of the bankrupt estate for distribution among general creditors, which taxes shall be and constitute a lien upon such property.

"SEC. 72. Neither the referee, receiver, marshal, nor trustee shall in any form or guise receive, nor shall the court allow him, any other or further compensation for his services than that expressly authorized and prescribed in this act. Any person who shall willfully violate the provisions of this section shall, upon conviction thereof, be fined not more than \$2,000 or be imprisoned for not more than three years, or both, in the discretion of the court."

SEC. 2. That section 48, as amended, of said act be, and the same is hereby, further amended by adding a new paragraph to read as follows:

"(f) In the event of the appointment of joint or successive receivers, the court shall apportion the fees and commissions between or among them according to the services actually rendered, so that there shall not be paid to receivers from any estate a greater amount than one receiver would be entitled to; and when the same person shall be appointed successively receiver and trustee for an estate he shall not be allowed greater compensation than he would be entitled to if he held but one of such offices."



Sec. 3. That nothing herein shall have the effect to release or extinguish any penalty, forfeiture, or liability incurred under any act or acts of which this act is amendatory.

Sec. 4. That all parts of acts inconsistent herewith be, and the same are hereby, repealed.

Sec. 5. That this act shall take effect and be in force on and after the expiration of three months from the date of its passage and approval.

Mr. WALSH of Montana. I will state that the bill proposes various amendments of the bankruptcy law, most of which were proposed by the National Credit Men's Association, and in my judgment they should be made. They are simple in character. There was considerable contention concerning one amendment, in relation to the fees of referees. It was suggested to the committee by the Department of Justice, but different views have prevailed with respect to it, and I have been induced to ask the Senate to nonconcur in that part of the amendment. I know of no opposition whatever to the amendment proposed other than the one to which I have referred.

Mr. LODGE. I would like to ask the Senator, if he will allow me, if that is the part of the amendment about which I have spoken to him?

Mr. WALSH of Montana. It is.

Mr. LODGE. What is the final arrangement made in regard to it?

Mr. WALSH of Montana. The arrangement is that I shall ask the Senate to reject the part of the amendment concerning which the Senator and myself had some correspondence, it having been objected to by some of the Senator's constituents.

Mr. LODGE. Where is the provision in the bill?

Mr. WALSH of Montana. The part of the amendment to which the Senator refers is subdivision (b) of section 62, referred to at page 5 of the report.

Mr. CURTIS. It is in reference to the fees of referees?

Mr. WALSH of Montana. It is.

Mr. CURTIS. The Senator from Washington [Mr. JONES], who had objected before, said if the Senator's amendment striking out that provision were agreed to he would have no objection to the consideration of the bill.

Mr. WALSH of Montana. I propose to ask that that be rejected.

Mr. LODGE. All I want to understand is just how it leaves the law.

Mr. WALSH of Montana. It leaves the law exactly as it is now; that is, if the Senate does not concur in this part of the amendment, no change will be made in the law.

Mr. LODGE. Then that will have to be stricken out?

Mr. WALSH of Montana. Yes. The amendment is found on page 12 of the printed bill, at the bottom of the page. I ask that the report of the committee be amended by striking out subdivision (b) of section 62, found on page 12 of the bill.

Mr. LODGE. The amendment is to strike out subdivision (b) of section 62?

Mr. WALSH of Montana. Subdivision (b) of section 62.

Mr. LODGE. And that leaves the law as it is?

Mr. WALSH of Montana. It does.

If the Senator from Massachusetts will give me his attention for a moment, the answer I gave was a little too comprehensive. If the Senator will refer to page 5 of the report he will find that there is a slight addition to be made, but no exception was taken to that. This language is proposed to be added to the present law:

Such expenses shall be only the expenses actually incurred, and shall not be commuted to fixed rates.

To that extent the present law would be amended.

Mr. LODGE. That leaves it, I understand, as it was to be left.

Mr. REED of Pennsylvania. Mr. President, I thought the understanding of the Senator was that paragraph (a) of section 62 would also be stricken out.

Mr. WALSH of Montana. No; there never was any controversy about that, I think.

Mr. REED of Pennsylvania. I had understood that the last two lines of paragraph (a) were objected to because a very considerable amount of those expenses can not be apportioned to particular cases, such as stenographer's services and matters of that nature.

Mr. WALSH of Montana. I understand, but that is all covered by subdivision (b).

Mr. REED of Pennsylvania. No; I think it is covered by lines 19 and 20 of paragraph (a).

Mr. WALSH of Montana. If the Senator from Pennsylvania has any objection whatever to urge to that portion of it, I shall ask that the entire section be stricken out, but I am perfectly certain he is in error about it.

Mr. REED of Pennsylvania. I have had it under consideration particularly with reference to those two lines and find a great deal of objection.

Mr. WALSH of Montana. If the Senator objects, I shall ask that the entire section be stricken out.

Mr. REED of Pennsylvania. I would like to have section 62 go out.

Mr. WALSH of Montana. I move that amendment to the amendment.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The READING CLERK. On page 12, strike out lines 13 to 25, inclusive, being all of section 62, subdivisions (a) and (b).

The amendment to the amendment was agreed to.

Mr. LODGE. That leaves the law exactly as it is.

Mr. WALSH of Montana. With reference to that subject.

Mr. LODGE. Certainly.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### FISHING SMACK "MARY S. DOLBOW."

The bill (H. R. 6177) for the relief of the owner of the fishing smack *Mary S. Dolbow* was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.,* That the claim of the owner of the fishing smack *Mary S. Dolbow* for damages alleged to have been caused by collision between said fishing smack and the U. S. ship *N-1*, on October 3, 1920, at 12 o'clock and 30 minutes a. m., in the Delaware River channel, off Tinicum Island, whereby she became a total loss, may be sued for by the owner of the said fishing smack *Mary S. Dolbow* in the district court of the United States for the district of New Jersey, sitting as a court of admiralty, and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the owner of the said fishing smack *Mary S. Dolbow*, or against the owner of said fishing smack *Mary S. Dolbow* in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties, and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### OWNERS OF AMERICAN STEAMSHIP "VINDAL."

The bill (H. R. 8214) to compensate the owners of the American steamship *Vindal* for damages and expenses in repairing the said steamship, and to make an appropriation therefor, was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to *Vindal Co. (Inc.)*, a New York corporation, owner of the American steamship *Vindal*, the sum of \$8,295 in full compensation for damages and expenses due to a collision between the United States barges *Washington* and *General Knox* and the said steamship *Vindal* while the said steamship was lying at anchor in the harbor of New York, on Gowanus Flats, off Fifty-second Street, Brooklyn, on the 30th day of October, 1917, at about the hour of 6 o'clock antemeridian.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### PENNSYLVANIA RAILROAD CO.

The bill (H. R. 9887) for the relief of the Pennsylvania Railroad Co. was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Pennsylvania Railroad Co., the sum of \$285.86, to compensate the said company for damages caused by collision of the Coast Guard cutter *Guthrie* with the Pennsylvania Railroad car float No. 7, at Philadelphia, Pa., November 26, 1920.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### BILLS PASSED OVER.

The bill (H. R. 10287) for the relief of John Calvin Starr was announced as next in order.

Mr. DIAL. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 8086) to prohibit the shipment of filled milk in interstate or foreign commerce was announced as next in order.

Mr. DIAL. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.



## AMENDMENT OF CIVIL SERVICE ACT.

The bill (S. 4167) to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, in order to extend the benefits of said act to certain employees in the Panama Canal Zone, was announced as next in order.

Mr. SMOOT. Let the bill go over.

Mr. STERLING. Will not the Senator withhold his objection for a moment?

Mr. SMOOT. Very well.

Mr. STERLING. When the bill was reached on a former call of the calendar, objection was made to the last proviso in the bill, it being claimed that the proviso was ambiguous and was not understood. I have here a communication from the Secretary of War in which he incloses a memorandum from the chief of the Washington office of the Panama Canal, which quite fully explains the reasons for the proviso on account of which objection was made to the consideration of the bill. I would like to read a portion of the memorandum, as follows:

The object of the above-quoted proviso is to make sure that these unclassified or excepted American employees do not become classified through the passage of the bill, which might require all future appointments to vacancies to be made through civil service examinations. The bulk of these unclassified employees are skilled workmen and artisans of a wide variety of trades, particularly shipbuilding and repairing trades, railroad operatives, etc. For a period of a little over a year, during the early days of the construction of the Panama Canal, they were all in the classified service and efforts were made to appoint them through civil service examinations. This proved impracticable and would be impracticable in the future for numerous reasons, among which are the following:

"It is necessary to recruit these men in the United States for duty in a tropical region about 2,000 miles away from their homeland. They must be the best skilled workmen in their trades obtainable, and this type can not be readily attracted through civil-service examination, as they are independent and accustomed to securing employment through more direct methods; the sudden and varying requirements of the canal service make it impracticable to wait on the routine of the civil-service examination; they must be selected with a view to their special fitness, physically and by training and experience, for the particular work to which they are to be assigned; it is not usually practicable to foresee the needs of the service sufficiently in advance to hold a civil-service examination," etc.

Other reasons are set forth why the proviso is in the bill. I hope that what I think is an act of justice will be done in extending the provisions of the retirement law to the employees who are American citizens in the Panama Canal Zone.

Mr. SMOOT. The proviso found on page 3 is one the purpose of which I do not fully understand. I understand what the Senator has just read; but I think if we are going to place such employees on the retirement list as other employees of the Government are placed, they ought at least to take the civil-service examination. They should not be placed in any better position than employees of the Government in the United States.

Mr. STERLING. I will say to the Senator that a great number of people working in the Panama Canal Zone are still subject to the civil service. There are specially trained or experienced men whom they want for the particular service, and they want them often in a hurry, according to conditions in the Panama Canal Zone.

Mr. SMOOT. But that is not what the proviso covers.

Mr. STERLING. That is what it is meant to cover.

Mr. SMOOT. The proviso applies to all employees on the Canal Zone. I have no objection to allowing the first part of the bill to pass, but the second proviso I think is an unwise provision. If the Senator will amend by striking out that provision I shall have no objection to the bill at all.

Mr. STERLING. Very well.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. SMOOT. I move to amend by striking out on page 2, beginning in line 9, the proviso down to and including the word "service" in line 14.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. On page 2, after the numerals "1920," in line 9, strike out the remainder of the bill, so as to make the bill read:

*Be it enacted, etc.,* That all employees of the Panama Canal and Panama Railroad Co. on the Isthmus of Panama who are citizens of the United States and whose tenure of employment is not intermittent or of uncertain duration shall be included within the provisions of the civil service retirement act approved May 22, 1920: *Provided,* That the deduction authorized by section 8 of such act from the pay of such employees shall commence on the first of the month succeeding the approval of this act and that the service of such employees between August 1, 1920, and the first of the month succeeding the approval of this act shall be counted for retirement purposes only if the employee

shall deposit with the Secretary of the Treasury 2½ per cent of the salary received by him from the Panama Canal or Panama Railroad Co. during that period, plus interest computed as provided in section 11 of said act of May 22, 1920.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## STANDARD AMERICAN DREDGING CO.

The bill (H. R. 5475) for the relief of the Standard American Dredging Co. was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, in line 7, to strike out "\$3,020.72" and insert in lieu thereof "\$4,500," so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, directed to pay to the Standard American Dredging Co., owner of the dredge *Long Beach* and pipe line thereto attached, out of any money in the Treasury not otherwise appropriated, the sum of \$4,500, or so much thereof as may be necessary to fully reimburse said owner of said dredge and pipe line for damages suffered by its pipe line as a result of a collision with the United States dredge *Chinook* at Astoria, Oreg., May 1, 1916.

Mr. SMOOT. When the bill was up for consideration on a previous occasion I objected to it. The War Department, in submitting a report to the committee, on page 8 of the report, suggested the following provision:

That the Secretary of the Treasury is hereby directed to pay, out of any money in the Treasury not otherwise appropriated, to the Standard American Dredging Co., Seattle, Wash., the sum of \$3,020.72 to reimburse that company for damage done to its property May 1, 1916, by the United States dredge *Chinook* (submitted), \$3,020.72.

That was the recommendation made by the War Department. The Committee on Claims raised that amount to \$4,500, and I would like to have some one explain the reason for the increase.

Mr. SHEPPARD. Mr. President, I desire to say to the Senator that I am familiar with the situation. The Treasury Department allowed an amount covering the actual cost of repairs which the company was compelled to make as a result of the collision. The company submitted a claim for \$3,000 additional for rental value, or loss of earnings, while the dredge was being repaired. The Senate committee, after considering the matter, decided to allow the company \$1,500 to cover the item of loss of earnings.

Mr. SMOOT. The policy has been to pay the damages in such cases, and there has been no objection to bills of that kind, but if we are going to pay for loss of time in the operation of boats, all that have been paid in the past have not been paid sufficiently, and there is no telling what charges may be made in the future for the loss of time of a boat laid up during the time of its repair. I think it is fair and just to adhere to the practice we have always followed in paying the amount of damages to the boat.

Mr. SHEPPARD. Does the Senator object to the item allowing payment for the damages?

Mr. SMOOT. I shall not object to the payment of \$3,020.72. I have no objection to the bill if it carries that amount, but I do object to the payment of \$4,500.

Mr. SHEPPARD. The Senator objects to the payment for loss of earnings while the boat was being repaired?

Mr. SMOOT. I do.

Mr. SHEPPARD. Then we can just disagree to the Senate committee amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## BILL PASSED OVER.

The bill (S. 3226) for the relief of William J. Ewing was announced as next in order.

Mr. DIAL. Let that bill go over.

The VICE PRESIDENT. The bill will go over.

## ROBERT J. KIRK.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3849) for the relief of Robert J. Kirk. It proposes to pay to Robert J. Kirk, of Florence, S. C., \$332.50 for service as United States commissioner for the eastern district of South Carolina for the period of July 1 to November 5, 1919.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.



CHARLES D. SHAY.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2002) for the relief of Charles D. Shay, which had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and to insert:

That the Employees' Compensation Commission shall be, and it is hereby, authorized to extend to Charles D. Shay, who received injuries April 7, 1910, without fault or negligence on his part, while in the performance of his duties as locomotive engineer on the Panama Railroad, the provisions of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, compensation hereunder to commence from and after the passage of this act.

The VICE PRESIDENT. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## BILLS PASSED OVER.

The bill (S. 1678) for the relief of Edith B. Macon was announced as next in order.

Mr. KING. I ask that the bill go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 1528) for the relief of Sophie K. Stephens was announced as next in order.

Mr. KING. I ask that the bill go over.

The VICE PRESIDENT. The bill will go over.

Mr. CALDER. Mr. President, will the Senator from Utah permit an explanation of the bill?

Mr. KING. I have read the report on the bill. In my opinion there is no obligation whatever upon the part of the Government to pay the claim involved, and I think an explanation of the bill will simply consume time without changing the result.

The bill (S. 129) to provide for election contests in the Senate of the United States was announced as next in order.

Mr. SPENCER. Let that bill go over.

The VICE PRESIDENT. The bill will go over.

The bill (H. R. 7761) to amend the Revised Statutes of the United States relative to proceedings in contested-election cases was announced as next in order.

Mr. WILLIAMS. I ask that that bill go over.

Mr. SPENCER. I should like to say that that bill applies only to the House of Representatives. It provides for four changes in the existing law, all of which are merely for facilitating House election contests. There is a unanimous report of the committee in favor of it, and I think there can be no objection to it. It is a House bill and does not apply to the Senate, but applies entirely to the House of Representatives.

Mr. WILLIAMS. I have objected to the bill.

The VICE PRESIDENT. There is objection and the bill will go over.

The bill (S. 4283) to authorize the Commissioners of the District of Columbia to require operators of motor vehicles in the District of Columbia to secure a permit, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, that bill is very important and contains some very admirable provisions, but a number of amendments are to be tendered to it. It will take considerable time to consider the bill and I think we shall not be able to dispose of it this morning. I therefore ask that it be passed over.

The VICE PRESIDENT. The bill will be passed over.

## NIGHT WORK IN THE POSTAL SERVICE.

The bill (S. 3773) to reduce night work in the Postal Service was announced as next in order.

Mr. DIAL. I ask that the bill go over.

Mr. TOWNSEND. Mr. President, if the Senator from South Carolina will withhold his objection for a moment, I desire to say that I regretfully admit that this bill may be subject to discussion, which would make it impracticable to consider it during the morning hour. I am sorry that that is so, for I believe it is a bill in the interest not only of the employees of the Postal Department who have to work at night but in the interest of economy. I believe that in the end the passage of the bill would reduce night work very materially. I do not imagine how anyone can believe that night work should be compensated for exactly on the same basis as is day work. It is necessary in some instances, I admit, that night work should be performed, but there should be a reasonable com-

pensation either in the form of additional pay or a reduction of the hours of service.

The joint commission on postal affairs has recommended what this bill attempts to do, namely, to reduce the hours of service for a night's work, or for work between 6 o'clock at night and 6 o'clock in the morning.

I admit, as I said in the beginning, that this bill embraces a subject about which there may be some controversy, and, therefore, it can not be considered at this time. I endeavored to bring it up earlier in the session in order that it might be given time for consideration, and had hoped, but vainly, apparently, that we might consider it by unanimous consent.

Mr. LODGE. Mr. President, if the Senator will yield to me for a moment, I desire to say that I think this is a bill that most certainly ought to be passed. I hope something will be done in regard to its subject matter. There ought to be a reduction in night work in the Postal Service. I have looked into this matter more or less, and I am satisfied the passage of this bill would have just the effect the Senator from Michigan has described; that is, that it would reduce the expenses in the end, and would reduce the total amount of night work now required of postal employees. I should think the bill might be passed by unanimous consent. It is not a complicated measure.

The VICE PRESIDENT. Does the Senator from South Carolina insist upon his objection?

Mr. DIAL. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

JOHN H. McATEE.

The bill (S. 3942) for the relief of John H. McAtee, was announced as next in order.

Mr. KING. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

Mr. HARRELD subsequently said: Mr. President, I ask unanimous consent to revert to Order of Business 1000, being the bill (S. 3942) for the relief of John H. McAtee.

This is one of those cases where a soldier is seeking to get relief from a charge of desertion. The War Department records show that this man was a prisoner of war at the end of the war, and that was the reason why he was not properly mustered out. The War Department recommends that he be given a discharge, saying that his services were absolutely satisfactory. The record is perfectly clear that he was a prisoner of war, but, inadvertently, not having been mustered out with his command, he was marked as a deserter. I ask the Senator from South Carolina to withdraw his objection to that bill.

Mr. DIAL. Did I understand the Senator to say that the soldier in this case was a prisoner of war?

Mr. HARRELD. Yes.

Mr. DIAL. And that was the reason why he was not mustered out with his command and has been borne on the records as a deserter?

Mr. HARRELD. The War Department reports that he was a prisoner of war and that was the cause of his failure properly to be mustered out.

Mr. DIAL. Under that statement I withdraw the objection. I have not had time to consider the report carefully.

The VICE PRESIDENT. Is there objection to reverting to Order of Business 1000?

There being no objection the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3942) for the relief of John H. McAtee, which was read, as follows:

*Be it enacted, etc.,* That in the administration of the pension laws and laws conferring rights and privileges upon honorably discharged soldiers, their widows and dependent relatives, John H. McAtee, late of Company K, Sixth Regiment Missouri State Militia Volunteer Cavalry, shall be held and considered to have been honorably discharged from the military service of the United States as a member of said organization on the 25th day of April, A. D. 1864: *Provided,* That no back pay, pension, bounty, or other emolument shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## BILLS PASSED OVER.

The bill (S. 4315) to amend section 2 of the legislative, executive, and judicial appropriation act, approved July 31, 1894, was announced as next in order.

Mr. SMOOT. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3078) to provide for the free transmission through the mails of certain publications for the blind was announced as next in order.

Mr. FRELINGHUYSEN. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.



The bill (S. 3544) to enlarge the powers and duties of the Department of Justice in relation to the repression of prostitution for the protection of the armed forces was announced as next in order.

Mr. KING. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

FRANKLIN GUM.

The bill (S. 2598) for the relief of Franklin Gum was announced as next in order.

The VICE PRESIDENT. The bill has heretofore been read.

Mr. DIAL. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

Mr. ROBINSON. Mr. President, I have examined that bill, and find that it is a case of one who served a full term of enlistment in the Navy and practically served out a term of enlistment in the Army following his service in the Navy. Just at the close of the Civil War he went home very seriously sick, and his mind was impaired. He failed to return to the Army because the war ended, as was the case in a large number of instances. I believe that under those circumstances the bill ought to be passed, and I ask the Senator from South Carolina if he is not willing to let the bill be considered?

Mr. DIAL. Is the bill in the usual form?

Mr. ROBINSON. It is in the usual form.

Mr. DIAL. I understand from the report that he was a deserter.

Mr. ROBINSON. He did not, however, in fact desert. I am convinced from the evidence that he did what a great many other soldiers in both the Confederate and Union Armies did. Military discipline at that time was not so rigid as it now is, and it was not comprehended and appreciated by the soldiers as it now is. As I have said, the man served out a full term of enlistment in the Navy and then served in the Army practically to the end of the war, when he went home and was in a very serious condition. For that reason he was unable to return before the war ended. The charge of desertion was entered against him, but, as a matter of fact, he was not a deserter within the spirit of the law. The War Department could not correct his record for the reason that the record is substantially right.

Mr. DIAL. How long has the bill been pending?

Mr. ROBINSON. I do not know how long the bill has been pending.

Mr. DIAL. Mr. President, I do not look upon these bills to grant pensions to men who served in the Civil War at this late date with any favor. I think that those people have had ample opportunity to establish their status, and the time has now come, in my opinion, when we should undertake to prevent a piling up of names on the pension list. However, I do not wish to be considered unreasonable, and reluctantly I will withdraw the objection to the consideration of the bill. From my hasty reading of the report I understood that the man was a deserter, and it appeared to me that the record, therefore, should be scrutinized very carefully.

The VICE PRESIDENT. The Chair understands the Senator from South Carolina has withdrawn his objection.

Mr. DIAL. I withdraw the objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

*Be it enacted, etc.,* That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, Franklin Gum, who was a private in Company A, Forty-eighth Regiment Wisconsin Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged therefrom: *Provided,* That other than as above set forth no bounty, pay, pension, or other emolument shall accrue prior to or by reason of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HOWARD R. GURNEY.

The bill (S. 4333) for the relief of Howard R. Gurney was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on line 5, after the words "sum of," to strike out "\$5,000" and insert "\$4,391.44," so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$4,391.44 to Howard R. Gurney, of Springfield, Mass., as full compensation against the Government for injuries sustained by him when struck by a United States Navy truck in the city of Springfield, Mass., on October 26, 1920.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

E. J. REYNOLDS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4345) for the relief of E. J. Reynolds.

The bill had been reported from the Committee on Claims with an amendment on line 4, after the word "pay," to insert "out of any money in the Treasury not otherwise appropriated," so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to E. J. Reynolds the sum of \$471.60 for reimbursement for money collected as duty on a carload of print paper received at the port of Ashtabula, Ohio, May 26, 1920.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NOLAN P. BENNER.

The bill (H. R. 3836) for the relief of Nolan P. Benner was announced as next in order.

Mr. KING. Mr. President, reserving the right to object, I should be glad to hear an explanation of the bill.

Mr. REED of Pennsylvania. Mr. President, this bill is intended to reimburse an officer of the Pennsylvania National Guard who was called into the Federal service for the time actually spent by him in the military service of the Government. He was discharged on the records of the War Department at Washington because he was under weight, but the notice of discharge was never communicated to him or to his commanding officer, and he remained in the Army rendering faithful service until he finally received notice of his discharge six months later. This bill is to pay him for the time he actually spent in the service. There is no question that he did the work.

Mr. KING. Does the bill provide for his reimbursement at the same rate of pay he would have received if actually in the service?

Mr. REED of Pennsylvania. At exactly the same rate.

Mr. KING. I have no objection to the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Second Lieut. Nolan P. Benner, Quartermaster Corps, National Guard of Pennsylvania, the sum of \$656.40 for services from August 1, 1917, to December 19, 1917, performed under instructions of commanding general Seventh Division, who under date of July 20, 1917, ordered said Second Lieut. Nolan P. Benner to report to quartermaster State Arsenal, Harrisburg, Pa., where he continued in service until notice of discharge, December 19, 1917. Amount of pay for aforementioned services was disallowed by the Auditor for the War Department because the records failed to show that he was held in service subsequent to July 31, 1917.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 1517) for the relief of Antti Merihelmi was next in order.

Mr. DIAL. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 6134) for the relief of estate of Anne C. Shymmer was announced as next in order.

Mr. KING. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 7864) providing for sundry matters affecting the Naval Establishment was announced as next in order.

Mr. KELLOGG. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 4245) to provide for the necessary organization of the customs service for an adequate administration and enforcement of the tariff act of 1922, and all other customs revenue laws, was announced as next in order.

Mr. WILLIAMS. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 4399) to fix standards for hampers, round stave baskets, and splint baskets for fruits and vegetables, and for other purposes, was announced as next in order.

Mr. WILLIAMS. I ask that that bill go over.

Mr. McNARY. Mr. President, I inquire if objection was made to the consideration of that bill?

The VICE PRESIDENT. Objection was made by the Senator from Mississippi [Mr. WILLIAMS].

The bill (S. 4132) to amend an act entitled "An act to provide further for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to



provide credits for industries and enterprises in the United States necessary or contributory to the prosecution of the war, and to supervise the issuance of securities, and for other purposes," approved April 5, 1918, and for other purposes, was announced as next in order.

Mr. SMOOT. That can not be considered under the five-minute rule, Mr. President.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 4425) to authorize appropriations for the relief of certain officers of the Army of the United States was announced as next in order.

Mr. COUZENS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 4119) authorizing the erection in the city of Washington of a monument in memory of the faithful colored mamies of the South was announced as next in order.

Mr. COUZENS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 4305) granting an increase of pension to certain soldiers of the Mexican War and Civil War and their widows and minor children, widows of the War of 1812, Army nurses, and for other purposes, was announced as next in order.

Mr. KING and Mr. DIAL. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

#### ATLAS LUMBER CO. AND OTHERS.

The bill (H. R. 3499) for the relief of the Atlas Lumber Co., Babcock & Willcox, Johnson, Jackson & Corning Co., and the C. H. Klein Brick Co. was announced as next in order.

Mr. COUZENS. Let that go over.

Mr. KELLOGG. Mr. President, I wish the Senator who objected to the consideration of that bill would let me make a statement. Bills for the relief of these people have twice passed the Senate but were not reached in the House. This bill passed the House in January. It is to appropriate money which is in the Treasury which was taken from the contractor's price, and the Government has had the use of that money for 10 years, or nearly that time. This bill is simply to appropriate it to pay the claims for material for constructing the building, a Government building. The Government does not lose a cent. There is a unanimous report from the Committee on Claims, and the bill has passed the Senate at two different sessions.

Mr. SMOOT. I will say to the Senator that this is the same bill that was objected to because of the fact that it carried interest, but I see that is excluded now.

Mr. KELLOGG. The interest has been stricken out. It is simply the principal of \$5,030; and if the Senate desires I will make a detailed statement of what occurred.

The Federal Government, in the construction of an Indian school in South Dakota, failed to take a bond as the law requires for the protection of the material men who furnished the material. The material men had no right even to inspect the bond and could not bring any suit upon the bond until six months after the Government should bring a suit. The Government deducted over \$5,000 from the contractor's price, and has that money; and by reason of the failure of the Government to take a bond in proper form these material men lost the material they had furnished. As the Government loses nothing, and as the passage of this bill has been recommended several times by the Interior Department, I think it ought to pass for the principal sum without any interest.

The VICE PRESIDENT. Is there objection?

Mr. COUZENS. I withdraw my objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### RELIEF OF CERTAIN ARMY OFFICERS.

Mr. DIAL. Mr. President, I ask that we revert to Order of Business 1042, Senate bill 4425. The Senator from Michigan [Mr. COUZENS] objected to its consideration.

I desire to state that that is a bill for the relief of two Army officers in a case where their junior, over whom they had no control, stole some money. That junior has been prosecuted and put in the penitentiary. This matter was referred to the War Department, and the Secretary of War reported that the officers ought to have relief. It was referred to the Committee on Claims, and that committee reported unanimously that the bill ought to pass. The Senator from Indiana [Mr. NEW] had it up the other day in the morning hour, and the morning hour expired while it was under discussion.

I want to state, Mr. President, that many bills of this kind pass; in fact, I believe they all pass. I am not asking for a favor. I have objected to the consideration of some bills here,

but I did not object to them promiscuously. I read all the reports as well as I could in the time at my disposal, and I have reasons for objecting to every bill to which I have objected. I do not favor now, and I have not favored, and I propose to grow more antagonistic to bills brought up here to appropriate money to pay unliquidated damages; and I hope the Congress of the United States will adopt some business method whereby claims of that character can be adjudicated. If they have rights, I am perfectly willing for them to go to court. That is one character of cases that I objected to, and if anyone will read the reports he will see that there is merit in the objection.

Mr. ROBINSON. Mr. President, I observe from the report of the Committee on Claims in this case that the bill is unqualifiedly approved by the Secretary of War in the following language:

From a careful review of all the circumstances it is evident that the finance officers in question can not be blamed for negligence in connection with the loss of these funds, and that a great injustice will be done to them unless they are relieved from liability.

It is accordingly recommended that legislation substantially as follows be enacted:

And then follows a draft of a bill which conforms to that now under consideration.

In view of that recommendation of the Secretary of War, it seems that the bill should pass.

Mr. DIAL. That is undoubtedly correct.

Mr. NEW. Mr. President, if the Senator will yield for a moment—

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from Indiana?

Mr. DIAL. I yield to the Senator from Indiana.

Mr. NEW. Just a word with reference to this particular bill. It is for the relief of two Army officers who were charged with the disposal of surplus property down on the border. The Government itself sent them a civilian clerk, for whose selection they had no responsibility and no choice but to take him. That clerk, under regular procedure, received the money that was paid in for those sales, and he absconded with about \$12,000 of it and went to Mexico. One of these officers pursued the man into Mexico and actually forced him back over the border and turned him over to the Federal authorities. He was convicted and sent to the State prison for it. The officers had no responsibility, except a theoretical one, for the loss of that property, but unless they are relieved from it the money will have to be taken out of their retired pay, as they have no other income; and I think it would work a great injustice on these men if they are compelled to pay six or seven thousand dollars to the Government.

Mr. KING. Mr. President, will the Senator yield for a question?

Mr. NEW. Certainly.

Mr. KING. We have had a good many cases similar to this and with respect to defalcations in other branches of the Government. Does not the Senator think it would be wise for his committee, or some other appropriate committee, to recommend legislation that would protect the Government from these recurring claims for losses resulting from the defalcations of employees in the Government service?

Mr. NEW. Mr. President, of course, I think that might be wisely done, but it has not been done; and we must act one way or the other upon this case now, in the absence of a general statute. This follows the custom, and the Senator from South Carolina is entirely right in saying that the War Department not only approved it but it suggested the form of this bill.

Mr. DIAL. Now I ask unanimous consent that we consider the bill, if the Senator from Michigan [Mr. COUZENS] will be kind enough to withdraw his objection. I do not want to ask any favors at all—not for a moment. I do not ask any favors for this officer. I simply ask that he be treated like other similar officers.

Mr. McNARY. Mr. President—

Mr. DIAL. I yield to the Senator from Oregon.

Mr. McNARY. I think I can relieve the situation at this time. I shall object to the consideration of this bill until I have ample time to look into the record.

The VICE PRESIDENT. There is objection. The Secretary will state the next bill on the calendar.

#### ELEPHANT BUTTE IRRIGATION DISTRICT, NEW MEXICO.

The bill (S. 4232) authorizing the Secretary of the Interior to enter into a contract with the Elephant Butte irrigation district of New Mexico and the El Paso County improvement district No. 1, of Texas, for the carrying out of the provisions of the convention between the United States and Mexico, proclaimed January 16, 1907, and providing compensation therefor, was announced as next in order.



Mr. LODGE. Mr. President, I should like to ask the Senator in charge of the bill whether this matter of carrying out the provisions of the convention of January 16, 1907, has been submitted to the State Department?

Mr. McNARY. Mr. President, I should prefer to refer that inquiry to the Senator who introduced the bill.

Mr. BURSUM. What is the question?

Mr. LODGE. I asked whether the bill had been referred to the State Department, or whether the opinion of the State Department had been taken in regard to it. It apparently modifies the convention.

Mr. BURSUM. Mr. President, I will say to the Senator that this bill in no way affects the treaty. It is simply an adjudication of accounts between the Government and the water users under the Elephant Butte Dam.

In 1906 this Government entered into a treaty with Mexico, agreeing to deliver some 60,000 acre-feet of water annually for irrigating lands, in settlement of a claim by Mexico against this Government for some \$35,000,000. The entire cost of building this dam was charged to the water users' association in New Mexico and in a portion of Texas. They were credited with the sum of \$1,000,000 by reason of this contract with Mexico, upon the basis that the cost of the dam of this project would be \$40 per acre. Now it appears that the cost, instead of \$40, is \$90 an acre, and the Secretary of the Interior has so certified a charge against the water users under that dam. This bill is simply for the purpose of giving credit to the water users in Texas and New Mexico under the dam in the sum of \$1,000,000, which is the pro rata amount which is due to them by the Government on account of the contract with Mexico in regard to water furnished by virtue of the treaty.

Mr. LODGE. The only point I desired to make was that I understand this is in accordance with the terms of the convention.

Mr. BURSUM. Absolutely.

Mr. LODGE. It does not modify it at all?

Mr. BURSUM. It has no effect whatever on the convention. It is merely an economic settlement between the water users and the Government.

Mr. LODGE. I have no objection.

Mr. SMOOT. Mr. President, I want to ask the Senator where the \$1,000,000 to be credited on that account will be obtained. Is it to be taken out of the fund that is supposed to be returned to the Government of the United States?

Mr. BURSUM. The \$1,000,000 will be owing by the water users to the Government.

Mr. SMOOT. Not if it is a credit to the water users. In other words, does this bill provide that \$1,000,000 of the amount that is owing to-day to the Government of the United States by the water users shall be forgiven?

Mr. BURSUM. It is not forgiven. It is a credit upon the account which the Government owes. It is an obligation of the Government. The basis of the credit which was given to the water users, in the first instance, was \$1,000,000, upon the basis that the cost of the project would be \$40 per acre. Now, it turns out that the cost of this project is \$90 an acre.

Mr. SMOOT. Every reclamation project that I know anything about in the United States has cost just about that much more than the cost estimated at the beginning.

Mr. BURSUM. All right; but am I to understand that the Government can shrink from paying its proportion for the water which it agreed to deliver to Mexico, and saddle that expense on the water users, who are not benefited thereby, and compel the water users' association to deliver that water in the bed of the river and make it available to the farm owners in the Republic of Mexico? The Government would be saddling its proportion, by reason of its agreement, upon the water users of the Elephant Butte Association. There is no relief to the farmers under this project, none whatever. They are simply given credit for that which belongs to them. In other words, the Government owes the water users on account of the Republic of Mexico \$2,000,000, and not \$1,000,000.

Mr. SMOOT. Then the Government loses a million dollars.

Mr. BURSUM. It does not lose a dime. The Government pays its proportion of what it agreed to pay on account of the water deliverable to Mexico. The Government profited to the extent of \$33,000,000 under this transaction. The Government settled a claim of \$35,000,000. The Government apportioned what it believed to be the pro rata of the water users at the time the dam was being constructed and the amount apportioned as the proportion to be assumed by the Government now turns out to be less than one-half of its just proportion.

Mr. WILLIS. Mr. President, I do not like to object to the Senator's bill, but it is evident that this is a very important measure, and that if it is to be disposed of now, we can not

consider any of the other bills on the calendar. It is going to lead to a further discussion.

Mr. BURSUM. I submit, Mr. President, there should not be any extended discussion.

Mr. WILLIS. But there is discussion. We have had 10 minutes of it already, and there will be 10 minutes more, and to save time, and to give the Senate time to consider other bills on the calendar, I object.

The VICE PRESIDENT. The bill will be passed over.

ROBERT J. ASHE.

The bill (H. R. 9316) for the relief of Robert J. Ashe was announced as next in order.

Mr. KING. Let it go over.

Mr. NEW. I hope the Senator will withhold his objection.

Mr. KING. I withhold the objection until I hear the Senator's explanation of the bill.

Mr. NEW. I will explain it as briefly as I may. This bill, I think, by all means ought to be passed as an act of simple justice. It is not a pension bill or anything of that kind. This boy, Robert Ashe, was a private soldier, just a boy. In company with two other soldiers he got out one night and went to places where he should not have gone, and admittedly got drunk. Some money disappeared at the time these soldiers were engaged in this nocturnal expedition. Robert Ashe never did admit, but always denied, having taken any of the money. He admitted that he made a mistake in the other respects. He was dishonorably discharged because, in his inexperience, he did not know how to enter a defense. He said he was not guilty, but he did not present a defense.

Afterwards the War Department looked into the case, decided that the boy was not guilty of theft, and that he ought to be given permission to reenlist, but it did not remove the record of a dishonorable discharge. The boy did reenlist. He served until the breaking out of the World War, when the Government permitted him to take a discharge in order that they might commission him, and that they did. He was commissioned a second lieutenant, went into the World War, was promoted to first lieutenant, then recommended for promotion to a captaincy, but that was not consummated simply because the war ended before it could be done. His commission was a temporary one, of course.

After the close of the war he reenlisted, and he is in the Army now as a master sergeant, with a very splendid military record. This is merely to remove a blemish on a record that is otherwise clear. That boy has certainly redeemed himself, and he is entitled, I think, to the benefit of this action of Congress.

Mr. KING. I agree with the Senator.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

*Be it enacted, etc.,* That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Robert J. Ashe, who was a private in Troop G, Fifth Regiment United States Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on the 21st day of August, 1914: *Provided,* That no pay or other emoluments shall accrue by virtue of the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN H. FESENMEYER, ALIAS JOHN WILLS.

The bill (S. 3742) for the relief of John H. Fesenmeyer, alias John Wills, was announced as next in order.

Mr. DIAL. Let that go over.

Mr. McCUMBER. Mr. President, I want to make a little statement; and then if the Senator from South Carolina asks that it go over, very well.

This is a case where a minor, a young boy, enlisted at the very beginning of the war, in 1861, and served for two years. He was then with a company in Maryland, I think. His father lived in New York. He got a message from his family that his father was dying and wanted to see him before he passed away. The boy asked for a furlough, but it was denied. It is true that he then left and went to New York and saw his father for a few days. Action was brought against him for desertion, and the father then instituted an action to relieve him from imprisonment under a writ of habeas corpus, and he was released, he still being a minor. He had then served two years; and, of course, he had the charge of desertion against him, though it was his intention to immediately return.

Having that charge of desertion against him, he immediately enlisted under the name of John Wills and served until the end of the war and received an honorable discharge from his second enlistment. So he served during practically the entire war. This bill is to remove the charge of desertion for the few



days that he was absent at his father's bedside. At the close of the war he was nine months in Libby prison.

If the Senator desires to object, of course I can say nothing further, but I think the charge of desertion ought to be removed when the boy has a record of that kind.

Mr. DIAL. Mr. President, on reading the report I did not get all the facts which the Senator has stated. The Senator makes a very appealing speech. I do not look on these bills with favor, but under all the circumstances I am going to let this one pass. I want to say, however, that I can not see much distinction between trying to do justice to soldiers of the Civil War and trying to do justice to soldiers of the late war.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, on line 9, after the word "no," to insert the words "back pay," and on line 10, after the word "pension" and the comma, to insert the words "bounty, or other allowances," so as to make the bill read:

*Be it enacted, etc.,* That in the administration of the pension laws, John H. Fesenmeyer, alias John Wills, who was a private of Company F, Sixty-fifth Regiment New York Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 15th day of February, 1862: *Provided,* That no back pay, pension, bounty, or other allowances shall accrue prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### SALE OF UNITED STATES REAL PROPERTY.

The bill (S. 4216) authorizing the sale of real property no longer required for military purposes was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with amendments. The first amendment was, on page 3, after line 22, to insert:

Tennessee: Park Field, Millington, Tenn., about 16 miles north of Memphis.

Mr. McKELLAR. I will be compelled to object to the bill with that amendment in it, and ask that it may go over.

Mr. REED of Pennsylvania. Will not the Senator from Tennessee permit this item to which he objects to be stricken out and the bill to be passed without that amendment in it?

Mr. McKELLAR. That will be entirely satisfactory.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

The next amendments were, on page 5, beginning with line 21, to strike out that line and all of the bill down to and including line 18, on page 6, and to insert in lieu thereof sections 2 to 8, inclusive, so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of War be, and he is hereby, authorized to sell or to cause to be sold, either in whole or in two or more parts as he may deem best for the interests of the United States, the several tracts or parcels of real property hereinafter designated, or any interest therein or appurtenant thereto, which said tracts or parcels are no longer needed for military purposes, and to execute and deliver in the name of the United States and in its behalf any and all contracts, conveyances, or other instruments necessary to effectuate such sale.

#### FIRST CORPS AREA.

Maine: Fort Baldwin, Sabine Head, Popham Beach; Fort Edgecomb, Edgecomb; Fort Knox, opposite town of Bucksport, on the Penobscot River; Fort Machias, Machiasport, about 25 miles west of the Canadian border; Fort McClary, Portsmouth Harbor, opposite Fort Constitution, on Piscataqua River; Fort Popham, Phippsburg, Hunkewells Point, west bank of Kennebec River; St. Georges (Robinsons Point), St. George, eastern side of St. Georges River, Knox County; Sugar Loaf Islands, known as North and South Sugar Loaf Islands, at the entrance to the Kennebec River, near Bath.

New Hampshire: Portsmouth, reservation at, locally known as Sagamore Reservation; Portsmouth gun house.

Massachusetts: Gloucester gun house, Back Street; Salisbury Beach, near mouth of Merrimac River, Salisbury; Fort Standish (old), Squish Neck, northern entrance to Plymouth Harbor, 4 miles by water from Plymouth.

Rhode Island: Fort Mansfield, Papatree Point, near Watch Hill, Washington County.

Connecticut: Lighthouse Point, East Haven, about 5 miles from New Haven.

#### SECOND CORPS AREA.

New York: Plumb Island Reservation (often called Plumb Beach), near the eastern border of Sheephead Bay, being part of the east end of Plumb Island, in the town of Gravesend, Kings County; Fort Tyler, Gardiners Point (Gardiners Island), near Sag Harbor, Long Island Sound, Suffolk County.

#### THIRD CORPS AREA.

Maryland: Fort Armistead, Hawkins Point, Anne Arundel County; Fort Carroll, Sollers Point Flats, in the Patapsco River, about 4 miles from Baltimore; Fort Foote, Roziars Bluff, Prince Georges County, 8 miles below Washington on left bank of Potomac River.

Virginia: Ferry Point, on the Elizabeth River, Norfolk County; Fort Nelson, on the Elizabeth River near Mosquito Point, in Norfolk County;

pumping station reserve, Fort Monroe (Phoebus), about 1 mile from the fort; Fort Powhatan (often called Fort at Hoods), Hoods, south bank of the James River between Wards Creek and Flower de Hundred Creek, in Prince George County; Willoughby Spit Reservation, Willoughby Bay, Norfolk County; Fort Humphreys (approximately 2,000 acres only), on right bank of Potomac River about 20 miles south of Washington.

#### FOURTH CORPS AREA.

North Carolina: Beacon Island, Ockraoke Inlet, an entrance to Pamlico Sound, near the mouth of the Neuse River, Carteret County; Fort Macon, Old Topsail Inlet, 2 miles from Beaufort and Morehead City, Carteret County.

South Carolina: Fort Fremont, St. Helena Island, near Fort Royal, Beaufort County; Fort Winyaw, Blythes Point, at the mouth of Sampit Creek or Georgetown River, Georgetown Harbor, in Georgetown district.

Georgia: Americus air intermediate depot and Souther Field, 4 miles north of Americus; Fort Jackson, old (formerly Fort Oglethorpe), Savannah, on west bank of Savannah River, about 1 mile below city; Point Peter, near St. Marys, mouth of St. Marys River, Camden County.

Florida: Chapman Field, near Benson, 14 miles south of Miami; Fort Clinch, on the north end of Amelia Island in Nassau County, 3 miles from Fernandina and 50 miles north of St. Augustine, 500 acres only; balance, 194.5 acres, will be returned to the Department of the Interior; St. Johns Bluff, near Mayport, Duval County.

Louisiana: Fort Livingston, west end of Grand Terre Island, in the parish of Jefferson, at the entrance of Grand Pass to Barataria Bay, 90 miles south of New Orleans; Fort St. Philip, each bank of the Mississippi River, parish of Plaquemines, nearly opposite Fort Jackson, about 70 miles below New Orleans.

#### FIFTH CORPS AREA.

Kentucky: Camp Knox surplus areas, Stithton.

#### SEVENTH CORPS AREA.

Missouri and Kansas: Fort Leavenworth Bridge, connecting the Fort Leavenworth Reservation with the Fort Leavenworth timber reserve. Minnesota: St. Paul Army building, Second and Robert Streets.

#### EIGHTH CORPS AREA.

Texas: Love Field septic tank site, Hawes, 5 miles north of Dallas.

#### NINTH CORPS AREA.

Washington: Lagoon Point, opposite Marrowstone Island, on the east side of Admiralty Inlet, in Island County; Nodule Point, on west side of Admiralty Inlet, Jefferson County; Port Madison (Agate Passage), on Agate Passage to Port Orchard, Kitsap County.

Utah: Ogden Observatory, Ogden.

SEC. 2. If any other executive department of the Government of the United States shall require any one or more of the above-mentioned properties, or any part thereof, for the immediate use of such department, the Secretary of War is hereby authorized to transfer to that executive department the property or part thereof which shall be required for said immediate use.

SEC. 3. In the disposal of the aforesaid properties which shall not thus be required by any other executive department the Secretary of War shall in each and every case cause the same to be appraised, either as a whole or in two or more parts, by an appraiser or appraisers to be chosen by him for each tract, and in the making of such appraisal due regard shall be given to the value of any improvements thereon and to the historic interest of any part of said land.

SEC. 4. After such appraisal shall have been made and approved by the Secretary of War, notification of the fact of such appraisal shall be given by the Secretary of War to the governor of the State in which each such tract of land is located, and such State or the county or municipality in which such land is located shall in the order named have the option at any time within six months after the approval of such appraisal to acquire the same, or any part thereof which shall have been separately appraised, upon payment within said period of six months of the appraisal value: *Provided, however,* That the conveyance of said tract of land to such State, county, or municipality shall be upon the condition and limitation that said property shall be limited to use for public-park purposes and upon cessation of such use shall revert to the United States without notice, demand, or action brought.

SEC. 5. Six months after the date of approval of said appraisal, if the option given in section 4 hereof shall not have been completely exercised, the Secretary of War shall sell or cause to be sold each of said properties at public sale, at not less than the appraised value, after advertisement in such manner as may be directed by the Secretary.

SEC. 6. A full report of transfers and sales made under the provisions of this act shall be submitted to Congress by the Secretary of War.

SEC. 7. The expense of appraisal, survey, advertising, and sale shall in each case be paid from the proceeds of the sale, whether made in accordance with section 4 or section 5 of this act, and the net proceeds thereof shall be deposited in the Treasury of the United States to the credit of "Miscellaneous receipts."

SEC. 8. The authority granted by this act shall not repeal any prior legislative authority granted to the Secretary of War to sell or otherwise dispose of lands or property of the United States.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. WADSWORTH subsequently said:

Mr. President, this morning while the calendar was being called the Senate passed calendar No. 1054, the bill (S. 4216) authorizing the sale of real property no longer required for military purposes. I was not present in the Senate at the time on account of attendance at a conference on the War Department appropriation bill. Had I been present I would have asked the Senate to amend the bill in one particular before it was passed, by striking out, on page 5, lines 6, 7, and 8, which read as follows:

Missouri and Kansas: Fort Leavenworth Bridge, connecting the Fort Leavenworth Reservation with the Fort Leavenworth timber reserve.



This language should be stricken from the bill because it has reference to a particular piece of property which is being handled in a different way—a way entirely satisfactory to the Government and those interested—under a provision in the War Department appropriation bill which is now in conference.

I therefore move that the votes by which the bill was ordered to a third reading and passed be reconsidered in order that I may move to amend the bill and place it again upon its passage with the amendment.

Mr. McKELLAR. Before the request is put I wish to say to the Senator that the provision contained in a Senate committee amendment providing for the sale of Park Field, Millington, Tenn., was stricken from the bill. The Senator does not want to interfere with that?

Mr. WADSWORTH. Not at all.

Mr. McKELLAR. Then I have no objection to a reconsideration.

The motion to reconsider was agreed to.

Mr. WADSWORTH. I move to amend, on page 5, by striking out lines 6, 7, and 8.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. On page 5 strike out lines 6, 7, and 8, as follows:

Missouri and Kansas: Fort Leavenworth Bridge, connecting the Fort Leavenworth Reservation with the Fort Leavenworth timber reserve.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JACOB MULL.

The bill (S. 2098) for the relief of Jacob Mull was announced as next in order.

Mr. DIAL. Let that go over.

Mr. GOODING. I wish the Senator would withhold his objection for a moment. Mr. Mull is a neighbor of mine in Gooding, Idaho, and is a splendid citizen. I am not ready to believe that he was intentionally a deserter.

He enlisted in Findlay, Ohio, in 1861, when he was but a boy of 16. He served faithfully up until some time in 1863, when he was on a transport on the river going up to Vicksburg with a number of other soldiers, and owing to a storm was put ashore, being instructed not to go beyond a levee about 60 yards from the river. He and a few others of the boys went beyond that levee and he was taken prisoner. He was held prisoner for about six months, and then was exchanged. He reported to his company; he was given transportation and a suit of clothes and sent home, and there the record seems to end as far as Mr. Mull is concerned.

Being a young man, I suppose he did not understand the importance of clearing his record when the war was over. This bill merely provides that his record shall be cleared. He is an old man, 76 years of age, and the last time I saw him he was crippled with rheumatism. I am quite sure this is a worthy case, and I submit that Mr. Mull should be given the benefit of the doubt in this matter. I hope the Senator will not object to the consideration of the bill. I know Mr. Mull very well. He has raised a large family, and he was one of three brothers who volunteered early in 1861. I am sure it is a case of merit.

Mr. DIAL. I can not waive the objection. I ask that the bill may go over.

The VICE PRESIDENT. The bill will be passed over.

THOMAS J. TEMPLE.

The bill (S. 930) for the relief of Thomas J. Temple was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.,* That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Thomas J. Temple, late of Company K, Thirty-first Regiment Illinois Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 10th day of October, 1865: *Provided,* That no bounty, pay, or allowance shall accrue by virtue of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE MERCHANT MARINE.

The VICE PRESIDENT. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The READING CLERK. A bill (H. R. 12817) to amend and supplement the merchant marine act, 1920, and for other purposes.

Mr. ROBINSON. Mr. President, I desire to submit to the Senator from Washington [Mr. JONES] and to the Senator from

Kansas [Mr. CURTIS] a suggestion. It is perfectly apparent that if the bills remaining on the calendar are to be considered during the present session, consideration must be very quickly given to them. If Senate bills are to reach the House and have any attention there, they should be acted upon immediately by this body. Under the agreement which was entered into on Saturday a large number of bills, some of which have been pending on the calendar for some time, have not been reached, and unless an arrangement to proceed with the consideration of the calendar be effected it seems to me there is quite a probability that those measures will not be reached during the present session.

I have no interest in the matter except to see that the work which has been done by the respective committees of the Senate in considering and reporting the bills may not be lost or prove to have been in vain and the committees during the next Congress be compelled to perform the same services with respect to those measures. I think that the bills which are near the bottom of the calendar ought to have at least one chance for consideration as unobjected bills under Rule VIII.

In view of the fact that the end of the session is approaching and the business of the Senate constantly becomes more and more congested, and that under the circumstances now confronting us there is quite a likelihood that no opportunity to act on bills on the calendar will hereafter be had, I suggest to Senators the advisability of proceeding for a time with unobjected bills on the calendar, so that if possible the whole calendar may be sounded. Under the arrangement I suggest it is within the power of any Senator to object at any time and thus compel speedy action by the Senate, the purpose being to consider only those bills against which no objection will be urged.

I therefore suggest to the Senator from Washington that an arrangement be made to proceed, for a limited time at least, with the consideration of unobjected bills on the calendar under Rule VIII.

Mr. JONES of Washington. Mr. President, I would like to see the bills on the calendar taken care of, and I am going to suggest an arrangement under which I think they can be taken care of, and which seems to be entirely reasonable. I am going to ask unanimous consent that when the Senate close its business to-day it adjourn until 10 o'clock in the morning, the morning hour to-morrow, so far as may be necessary, after routine business is disposed of, to be devoted to the consideration of unobjected bills on the calendar, beginning with the number where we left off to-day. It seems to me that that request is very reasonable. Senators ought to be willing to come here at that time in the morning in order to dispose of measures remaining on the calendar.

Mr. ROBINSON. Will the Senator indicate about what time it is expected the Senate may conclude its labors to-day?

Mr. JONES of Washington. I think I shall not ask the Senate to remain here longer than 10 or half past 10 to-night.

Mr. ROBINSON. Of course the Senator understands that if the Senate remains in session until 10 o'clock to-night it will probably be difficult to secure the attendance of a quorum by 10 o'clock in the morning, and that the very condition which I am seeking to avoid would probably arise.

Mr. JONES of Washington. I thought I was very liberal in making the suggestion.

Mr. ROBINSON. Many Senators have bills on the calendar that ought to be considered. I myself, however, am not going to object to the proposal of the Senator from Washington.

Mr. FLETCHER. Mr. President, does not the Senator believe that 11 o'clock is about as soon as we can get the Senate together?

Mr. ROBINSON. I think so.

Mr. FLETCHER. If we meet at 10 o'clock we would lose at least half an hour in getting a quorum.

Mr. ROBINSON. That has always been the experience of the Senate. I suggest to the Senator from Washington that he modify his request and make the hour of meeting 11.

Mr. JONES of Washington. I can not do it. I had no idea of humor when I made the proposition. It was made in all seriousness. When I suggested that we would probably quit at 10 o'clock to-night, it was suggested in all seriousness because I had in mind running longer than that. It seems to me that the proposition I have made is extremely liberal and reasonable under all the circumstances.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. JONES of Washington. I yield.

Mr. NORRIS. I want to suggest to the Senator from Washington what I believe to be an impractical thing in his proposition. I do not know how it may be with other committees, but I have been trying for two weeks to get together a quorum of the Committee on Agriculture and Forestry, but the meeting



of the Senate at 11 o'clock has to a great extent prevented that being done. There is a meeting to be held to-morrow at 10.30 o'clock by that committee, at which we are going to try to get a quorum to pass on one or two bills. One of them is a House bill to which I believe there is no objection. Almost the entire country is for it, and it is quite an important measure. The consumers of the country particularly are anxious to get it. We will probably be able to-morrow to report the bill to the Senate. If reported, I think it will be passed unanimously, but we will not be able to do that if the Senate meets at 10 o'clock. I do not like to object to the Senator's proposition, but it does not seem to me that in order to get the ship subsidy bill passed and put on the statute books we should surrender everything else on earth.

Mr. JONES of Washington. I do not think anyone has surrendered very much thus far. I have been in a committee meeting this morning since 10 o'clock. Every morning for a week I have been in a committee meeting at 10 o'clock. Some of the bills on the calendar are bills in which I am interested, and there are others in which I am not specially interested, but I feel satisfied that there will be Senators on the floor who will see that the merits of the bills are considered and that those which are not meritorious will not be passed. So Senators who want to meet with committees while bills are being considered on the floor it seems to me are suffering no hardship if the Senate meets at 10 o'clock. I submit the request.

Mr. McCUMBER. Mr. President, in addition to what has been said by the Senator from Arkansas and the Senator from Nebraska, I think that the Senator from Washington could well let an hour go by in the morning and meet at 11. There is a meeting of the Committee on Finance to-morrow at half past 10. We can get through by 11 o'clock. The meeting has already been called. I assume that if the Senate should meet at 10 o'clock it would take at least half an hour before we could get a quorum. I believe we would not be losing time and we would accommodate a great many Senators, especially those who have committee meetings, if the Senator would fix 11 o'clock to-morrow as the time for meeting. I hope he will do so. Of course, if not, we shall have to cancel our committee engagements.

Mr. JONES of Washington. I am willing to fix 11 o'clock for the time of meeting if it may be unanimously agreed that the morning hour shall close at 12 o'clock.

Mr. McCUMBER and others. Oh, no; let us meet at 11.

Mr. BURSUM. Let us make it 11 o'clock.

Mr. JONES of Washington. I submit my unanimous-consent request.

The VICE PRESIDENT. Is there objection to the unanimous-consent request submitted by the Senator from Washington?

Mr. DIAL. Mr. President, the Senator from Washington is so persuasive and so clever that I would agree to almost any request he made; but he asks us to meet at 10 o'clock in the morning. After laboring here from 10 o'clock in the morning until 10 o'clock at night, that is a little more of a task than I am prepared to perform, and, therefore, I object.

The VICE PRESIDENT. Objection is made.

#### FILLED MILK.

Mr. LADD. Mr. President, I move that the Senate proceed to the consideration of Order of Business 963, the bill (H. R. 8086) to prohibit the shipment of filled milk in interstate or foreign commerce. I regret to be obliged to make this motion, but the bill has been on the calendar for some time and it has been objected to whenever it has been reached during the morning hour. On two or three occasions Senators have stated that at another time there would be no objection to taking up the bill, but there has always been some objection. However, Senators know the condition in which the business of the Senate is now, and while I regret very much to do so under those conditions, yet I feel obliged to move to take up the bill at this time.

The bill is known as the filled milk bill. Eleven States have passed such a measure prohibiting the manufacture and sale of filled milk. Within the past few days the Legislature of the State of Washington, I am informed, has enacted a law prohibiting the manufacture and sale of filled milk within the State of Washington. Wisconsin, which is one of the largest filled-milk producing States, has also passed a law prohibiting its manufacture, and the courts have sustained the law. There is a similar measure before the Legislature of Indiana to prohibit the manufacture and sale of filled milk within the State.

The committee reports that H. R. 8086 be passed as it came from the House with two slight amendments. It developed in the hearings that the bill as it passed the House might possibly be considered as affecting the sale of certain other infant foods

or preparations. In order that there might be no question on this point a slight amendment was made clearly exempting these particular foods. Another slight amendment was for the purpose of clarification of the meaning; otherwise the bill is the same as it passed the House—passed the House by a vote of 256 to 40.

The bill which I have moved to take up passed the House in May, 1922, and came to the Senate. In July and August, 1922, very extensive hearings were held and the matter came up at the beginning of the present session of Congress, and early in January the bill was placed on the calendar. It was reported out of the committee without objection on the part of any of the 12 members present, and I feel that it should at this time come up and be disposed of. It has the indorsement of a large number of the leading organizations of the country.

The American Farm Bureau Federation, at their annual convention held in Chicago in November, passed the following resolution:

We urge immediate action by the United States Senate on the Voigt bill, H. R. 8086, as already passed by the House of Representatives. We would also urge that the various State farm bureaus get back of filled-milk legislation in their several States to supplement the pending national law.

Again the Farmers' National Council of Cooperative Marketing Associations, at their annual meeting, under date of December 16, 1922, passed the following resolution:

In recent years there has appeared on the market compounds made of skimmed milk and coconut oil which look, taste, and smell like genuine evaporated whole milk and can not be readily detected from whole evaporated milk except by a chemical analysis. Some of the world's greatest authorities on nutrition have denounced those compounds as being harmful to children and generally injurious to the public health. We, therefore, urge the passage in this session of the Congress by the Senate of the House bill H. R. 8086, intended to prohibit the manufacture of such compounds within the possessions of the United States and their movements in interstate and foreign commerce.

The National Grange, in their legislative program item No. 20, have the following with regard to filled milk:

The National Grange urges the speedy passage of the Voigt bill to relieve the great dairy interests of the country from the depressing effect of the fraudulent product known as filled milk and protecting the health of the consumers, particularly the children, from this adulterated food.

I submit also copy of a letter written by Senator CUMMINS not only indorsing the bill but declaring, in his judgment, that the same is sound constitutionally:

DES MOINES, IOWA, November 9, 1922.

Mr. W. A. WENTWORTH, Secretary,  
704 Iowa National Bank Building, Des Moines, Iowa.

DEAR MR. WENTWORTH: I have your letter of the 7th instant inclosing one from Professor Nelson respecting the filled milk bill now pending in Congress. Since my talk with Commissioner Clark, Mr. Barney, and yourself a few days ago I have given some attention to this subject. I am thoroughly convinced that the best interest of the people of the country will be served by prohibiting the manufacture and sale of filled milk. My only doubt with regard to the matter has been respecting the constitutionality of the bill, which forbids the transportation of this commodity from one State to another. After going carefully through the record with respect to the injurious effects of the use of filled milk, and after examining the authorities with much care, I have reached the conclusion that this bill is sound constitutionally, and therefore I shall give it my hearty support.

I return the papers that you left with me.

Yours cordially,

ALBERT B. CUMMINS.

A letter from the president of the Farmers' Educational & Cooperative Union of America, Oklahoma City, Okla., under date of December 28, 1922, follows:

Senator E. LADD,  
Washington, D. C.

DEAR FRIEND: The farmers of Oklahoma are very much interested in the passage of the Voigt antifilled milk bill. I hope to hear that this bill is making progress and that it gets a favorable report from the Senate committee.

Yours very truly,

JOHN A. SIMPSON, President.

The following telegram from Washington State carries the indorsement of Grays Harbor Farm Bureau, Grays Harbor Dairymen's Association, Montesano Chamber of Commerce, and Aberdeen Chamber of Commerce:

Please do your utmost to get Voigt bill (antifilled milk bill) out of Senate committee at once. This is of the greatest importance to dairying and agriculture. We are asking our Senators to support this bill.

Also, from the secretary of the State Dairymen's Association of North Dakota:

Believing our interests will be protected by passage of Voigt bill this session, urge you request Senator McKINLEY to sign favorable report.

The following telegram from the secretary of the Iowa Dairy Council:

Am advised delay on Voigt bill in subcommittee. You realize importance passage this bill to dairy industry and public welfare. Dairy people of Iowa whom I represent urge that you assume leadership in getting this bill out of committee and passed by Senate quickly.



The following telegram from E. L. Harrison, State president of 20,000 farmers' union members of Kentucky:

May we ask your cooperation in getting immediate report out of Senate committee of Voigt antililled milk bill? The passage of this bill is of vital importance to and will be appreciated by 20,000 farmers' union members of Kentucky.

The New York Rensselaer County Pomona send the following telegram:

Meeting Rensselaer County Pomona to-day at Hoosick unanimously insist upon prompt passage of Voigt filled milk bill; eight granges, represented by 200 members. Dairymen of entire county thoroughly aroused over delay in getting this bill before the Senate and passed.

Telegram from the president of the Iowa State Guernsey Breeders' Association:

Feeling that the best interests of the thoroughbred breeders of dairy cattle and the milk producers can best be represented in the passage of the bill known as the Voigt filled milk bill, we earnestly request that you use your influence in getting this bill before the Senate and passed.

Telegram from Iowa Dairy Association:

Iowa dairy cattle breeders desire to see the Voigt filled milk bill prohibiting interstate movement of the product filled milk passed by Senate. Passage of bill important. We urge you do all in your power to see that bill is reported from Agricultural Committee to Senate floor.

Telegram from the Cooperative Milk Producers' Association of Dayton, Ohio:

Three thousand milk producers, members of the Miami Valley Cooperative Milk Producers' Association, urge you to support favorable report by committee on Voigt bill, H. R. 8086.

Telegram from master New York State Grange:

Passage Voigt filled milk bill at this session of Congress vital to dairy industry; dairymen New York State unanimous in demand for its immediate passage, both from standpoint of unfair competition with pure dairy products and as pure food measure in protection of health, particularly children.

Telegram from Utica Milk Local:

Our Utica Milk Local earnestly request that Voigt bill be reported out of committee. This bill will stop a flagrant, fraudulent practice in the United States, and one which does a great deal of harm and no good. It injures the foundation of one of the most important industries of the American farmer.

Telegram from Ohio State Dairy Committee:

As secretary of our State dairy committee, I am asked to request favorable action on your part on Voigt bill (H. R. 8086) now in hands of your committee. Please notify us of your action on this bill.

The following telegram from the secretary of the Ohio Farm Bureau Federation:

Ohio Farm Bureau Federation urgently requests you to support favorable action by your committee on Voigt bill (H. R. 8086). Please let us know your stand on this bill.

Telegram from master State Grange of Seattle, Wash.:

Farmers are inquiring every day why we can not do something toward pushing enactment of Voigt milk bill. The manufacture and sale of this product is so potentially based upon deception that it is hard for us to understand what reasons can be causing the delay.

Telegram from the State Dairymen's Association of Nebraska:

Nebraska Dairymen's Association urgently asks that Voigt bill be reported out at your earliest convenience.

New Jersey farmerz favor filled milk bill:

New Jersey farmers look to you for assistance in obtaining early favorable reports on the Voigt filled milk bill.

Farmers' Union of Nebraska indorse bill:

Farmers' Union of Nebraska desire that you use all honorable means to have the Voigt antililled milk bill reported out of the Senate committee. Thank you.

Onondaga County Grange, State of New York, support bill:

As grange deputy of Onondaga County, State of New York, representing 4,500 men and women, I urge you in their behalf to support the Voigt filled milk bill. M. A. Terpening.

Milk producers organizations of Pennsylvania behind bill:

Milk producers organization of Lancaster County, Pa., request immediate favorable report committee on Voigt bill (H. R. 8086) and ask its prompt passage Senate.

Telegram from Everett, Wash.:

Dairymen vitally interested in Voigt bill now in your committee. House of Representatives passed bill by large majority, to satisfaction of dairymen; 1,500 dairymen in Snohomish County, Wash., request report on bill from your committee and expect favorable action for passage.

Maryland milk producers indorse Voigt bill:

Over 2,000 members Milk Producers' Association, Cecil County, Md., urge immediate favorable report Agricultural Committee on Voigt bill (H. R. 8086) and also its prompt passage.

Delaware Milk Producers' Association urge passage:

Our organization, representing producers of milk in the State of Delaware, urge immediate favorable report Committee on Agriculture on Voigt bill (H. R. 8086) and prompt favorable action by the Senate.

New Jersey Milk Producers' Association urge passage:

One thousand seven hundred members Milk Producers' Association, New Jersey, urge immediate favorable report Voigt bill (H. R. 8086) and also its passage Senate.

Dairymen's League Cooperative Association, Utica, N. Y., urge passage of bill:

Vital to dairy industry Voigt filled milk bill be passed at this session of Congress, in view of fact that filled milk is unfair competition with pure dairy products, also as pure-food measure for protection of health, particularly children; dairymen unanimous urging bill be reported out without further delay.

Connecticut Milk Producers' Association indorse bill:

The dairymen of Connecticut beg your assistance for an early and favorable report on the Voigt filled milk bill. Our industry and the consuming public both need it badly.

Allegany County farmers, New York, back bill:

The organized farmers of Allegany County ask you to use your influence to have the Ladd bill reported out at once so action can be secured this session.

New York Farm Bureau Federation indorses bill:

New York Farm Bureau Federation asks that Voigt bill be immediately reported out of committee; of great importance not alone to dairy industry but public health as well.

Six hundred Grangers want law:

Rosehill Grange, of Waterloo, N. Y., with a membership of 600, goes on record as favoring the enactment of the Voigt filled-milk bill. Your efforts in this matter will be greatly appreciated.

Five thousand Grangers, Wayne County, N. Y., want bill passed:

Five thousand Wayne County Grangers urge passage of Voigt filled-milk bill.

St. Paul, Minn., Milk Producers' Association indorses bill:

Respectfully request that you use every effort to get Voigt bill out of committee at once. Our farmers all greatly interested in this bill. Have started action for State legislation along same line and feel we must have your active support now.

Iowa creamery favors bill:

The farmers of our locality to a man are in favor of the Voigt bill. We believe for the interest of the farmers of the common West you should see that this bill passes the Senate.

Iowa State Butter Makers' Association approves bill:

The Iowa Butter Makers' Association, by their secretary, do hereby ask you to use your good influence to secure a favorable report from the subcommittee of the Committee on Agriculture now considering Voigt bill (H. R. 8086). The dairy interests of Iowa are at stake and we pray for immediate action.

The Nebraska Creamery Butter Manufacturers' Association, through its secretary, indorses the bill. The secretary of that association writes as follows:

DECEMBER 19, 1922.

Hon. E. F. LADD,

Senate Office Building, Washington, D. C.

DEAR SENATOR LADD: As secretary of the Nebraska Creamery Association I am writing you pertaining to the Voigt bill which, as you know, was most favorably acted upon by the House last spring. I am sure that 95 per cent of your constituents are favorable to this measure. It is a truly constructive bill and one which the farmers of this country, as well as those who believe in pure foods, are greatly interested in. Thanking you for what you can do, I remain,

Very truly yours,

A. L. HAECKER, Secretary.

Mr. President, I might add some 50 other telegrams from various parts of the country which I have since received, all indorsing the filled milk bill and urging its early passage as a means of protecting the dairy interests of this country as well as the health of the babies and children, which means a stronger manhood in the years to come.

Mr. FLETCHER. Mr. President, may I interrupt the Senator.

The PRESIDING OFFICER (Mr. McNARY in the chair). Does the Senator from North Dakota yield to the Senator from Florida?

Mr. LADD. I yield.

Mr. FLETCHER. Not being a member of the committee, I am not advised as to what material is used to make what is called filled milk, and am not familiar with the ingredients which compose that product. I should like to inquire why they are deleterious or harmful and injurious to health? I think the bill declares filled milk is injurious to health and condemns it very strongly. I inquire what is meant by filled milk? I should like to have the Senator explain that.

Mr. LADD. Mr. President, filled milk is a product made from skimmed milk. The butter fat is taken out of the milk, then it is replaced with coconut oil, the product produced is evaporated to the same consistency as evaporated milk, and sold very frequently under the label of evaporated milk or as milk. Filled milk is largely used as milk; it is being exported abroad as condensed or evaporated milk. It is doing exactly for our evaporated and condensed milk business what the filled cheese and the skim-milk cheese did in the eighties and nineties in this country, namely, destroying our dairy industry.

The product is injurious because the coconut oil does not contain the same constituents that are contained in the butter fat of milk, which contain what are known as vitamins, the



lack of which in the filled-milk product retards growths and produces eye trouble. There are various other vitamins; some five, I think, have now been discovered; none of these are in the filled milk but one of the most important of these is found in milk. The only source from which the child may receive this vitamin is through milk. When butter fat has been removed from milk, the vitamins have been largely taken away and there has been substituted in their place a cheap oriental oil devoid of vitamins. Filled milk is, therefore, injurious to health because of the absence of the vitamins and because it has not the same nutritive constituents as has butter fat. Yet I think it is sold in most cases as milk. Here in this city, I am informed, 156 line grocery stores sold it at the same price for which they sold evaporated milk. The average person does not know that.

With regard to these vitamins, more especially the ones in whole milk, the evidence was given before both House and Senate by leading experts in this country. I am confident that there are few, if any, able investigators in this particular field of industry than Doctor McCollum, of the Johns Hopkins University, who appeared before the committee. He said:

I say the evidence clearly indicates that there are certain vitamins in some food products, and if any of these are absent from the diet certain nutritional difficulties are bound to arise. (Senate hearings, pp. 22 to 25.)

One of these vitamins, known as vitamin A, is found associated with milk fat, and when this butter fat is removed from the milk, the skimmed milk is nearly devoid of vitamins, while vegetable oils contain none of these vitamins. Therefore this substitute—vegetable oil—for butter fat in milk means to deprive the individual of this particular vitamin, and unless it is furnished from some other source nutritional difficulties are bound to arise, as experiments have indicated and the child receiving only milk will be deprived of this vitamin, which seriously affects the normal development of the individual and is particularly characteristic of eye troubles.

Doctor McCollum showed experiments where two animals, rats, were fed identically the same, as far as diet was concerned, with the exception that one received 10 per cent of its diet of whole milk powder. This animal maintained a healthy condition, while the one deprived of the milk powder was abnormal and failed to develop.

Another experiment, identically the same, with the exception that one set received a portion of filled milk while the other received an equal portion of evaporated milk. The two receiving the filled milk containing coconut oil failed to develop, and one receiving the coconut oil died after a short time, while the others remained normal.

In 1920 there was produced in the United States 85,000,000 pounds of filled milk, sold mostly in 1-pound containers. From the milk that produces this filled milk there had been extracted from 7,000,000 to 8,000,000 pounds of butter fat, and substituted in place of the same from 7,000,000 to 8,000,000 pounds of a cheap oriental oil—coconut oil—costing from 8 to 10 cents per pound, and when manufactured not to exceed in the filled milk 12 cents per pound.

This product is sold in competition with condensed or evaporated milk, wherein butter fat is costing from 40 to 45 cents per pound. The production of this amount of butter fat would mean the replacing of approximately 40,000 cows from the American dairymen. (House hearings, p. 174.) The evidence showed that the price at which filled milk is retailed is usually the same as that charged for evaporated milk. Doctor Larson, of the Bureau of Chemistry, Department of Agriculture (House hearings, p. 113), stated that there were a series of chain stores in Washington, and that the manager of 156 of these stores stated that he sells filled milk at 10 cents per can for the large cans, the same as charged for evaporated milk.

(House hearings, p. 169.) It is stated that one of these filled milks in New Hampshire was retailing at 17 cents, and that those who purchased this product—Carolene—thought they were securing full evaporated milk, and were amazed when they found it was not evaporated milk.

It was claimed (House hearings, p. 127) that while the wholesale price in most cases of this filled milk was \$3.50 a case, the price of standard brands of evaporated milk was \$5 a case. This means, then, that the middlemen or retailers are receiving an undue profit, or as one of the witnesses stated: "If the retailers are selling it at the same price here in Washington they are profiteering."

In this country we produce approximately 1,500,000,000 pounds of evaporated milk, and in 1920 we were producing 85,000,000 pounds of this filled milk.

In the House hearings, page 88, it developed that the cost of production entering into the manufacture of 48 cans of filled milk was: For skimmed milk 36 cents, and 45 cents for coconut oil, or a total cost for the ingredients in the 48 cans of 81 cents. That is, the contents of these cans therefore cost a little less than 2 cents per can, while the can cost approximately 1 cent

each, a gain by the substitution of coconut oil. In Chicago evaporated milk in carload lots sold at \$5 per case—48 cans—while filled milk sold at \$3.60.

Fanciful names are placed on the labels, and at times it is sold under a trade name so as not to come in conflict with the law, while in other places it is labeled and sold as condensed or evaporated milk.

Mr. FLETCHER. Is the coconut oil all imported?

Mr. LADD. The coconut oil is all imported. It displaces an equal amount of our own products. It displaces the butter fat and is injuring the dairy interests very largely. Coconut oil is produced with cheap labor in oriental countries and brought in here at from 7 to 10 cents a pound to compete with butter fat costing around 40 cents a pound. There is no opportunity for competition; there is no opportunity for the dairyman to compete with it; and unless its manufacture is prohibited in this country, the dairy industry will be largely destroyed.

Mr. FLETCHER. May I ask the Senator if cottonseed oil or peanut oil are used in making so-called filled milk?

Mr. LADD. They are not. No oils of that character can be used, because their flavor and other properties make it impossible to use them satisfactorily. There must be used an oil that is entirely bland, so that it can not be detected in milk. Cottonseed oil would give a taste and flavor that would be objectionable.

Filled milk, therefore, is coming in competition with our dairy products. It is a cheap product that is sold just sufficiently below the price of the real milk article as to induce the public to buy it. It is not helping the people of this country, but is going to destroy the dairy interest.

Mr. STANLEY. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Kentucky?

Mr. LADD. I do.

Mr. STANLEY. If I correctly understand the Senator, the use of coconut oil in substitution for butter fat in the production of this commodity gives a product that is less nutritious than condensed milk made from the whole milk?

Mr. LADD. Yes; because the coconut oil has not the same food value.

Mr. STANLEY. Exactly; coconut oil has not the same nutritive qualities as has milk?

Mr. LADD. It has not the same nutritive qualities as has milk. In the skimmed milk used as a basis there is introduced a cheap oil that has not the same nutritious and food value and which can not take the place of milk for the young growing child who depends wholly on milk for its source of food and for the vitamins so necessary for growth and health. Therefore the filled product is injurious to the public health.

#### FILLED MILK CONDEMNED.

In a bulletin of the Wisconsin experiment station, appearing in the Senate hearings, page 244, it is stated that—

The use of "filled" milk for infant feeding is intolerable and should be prohibited by law, since many mothers of limited means do not know the dangers of filled milk they are bound to use it when available. In the interest of public welfare, it is desirable to entirely prevent its sale and manufacture.

Doctor Alsberg, formerly head of the Bureau of Chemistry, now of the Leland Stanford University, California, in a letter dated June 3, 1921 (Senate hearings, p. 225), said:

A milk product in which the natural butter fat has been substituted wholly or in part by vegetable oil or fat such as coconut oil does not have the same nutritive value as one in which no such substitution has been made in which there are valuable vitamins, while coconut oil contains little or none of this vitamin.

Doctor Goldberger, medical officer, United States Health Service (Senate hearings, p. 266), speaking with regard to filled milk, says:

The reason, or probably the principal reason, why it would not serve exactly the same purpose as natural milk is that the first step of preparation of skimmed milk in removing the butter removes a certain food essential, named a vitamin, vitamin A, and the addition of the vegetable fat does not replace this element, although it replaces the fat and the caloric value; and, secondly, food so constituted is, by comparison with an equivalent amount of milk, poorer in this dietary essential of vitamin A, and it is a dietary essential that is quite important, particularly important in young children and infants whose diet is naturally a restricted one and is likely to be restricted entirely to milk, and in such instances it would be necessary to add some other source of this vitamin in order to make the diet of a child complete. Without this other addition, the nutrition of the child would be likely to suffer.

Mr. STANLEY. Mr. President, will the Senator pardon a further interruption?

Mr. LADD. Certainly.

Mr. STANLEY. I thoroughly understand that filled milk, being made from coconut oil or containing coconut oil and other ingredients, is not as nutritious as if it contained butter



fat; but what I was trying to get at was whether filled milk made by the use of coconut or other vegetable oils was possibly injurious as a food product.

Mr. LADD. Doctor McCollum, of Johns Hopkins University, formerly of Wisconsin University, whom I consider in his particular field one of the ablest nutrition investigators in America, states that it is positively injurious, especially to the child.

Mr. STANLEY. Is it positively injurious to people generally?

Mr. LADD. Not to grown people, for they can get the vitamins from some other source.

Mr. STANLEY. It is injurious, then, because it does not supply the food values that are essential to the child?

Mr. LADD. That is correct.

The evidence before the Senate—page 7—shows deception in labeling. On one of these filled milks it is stated:

Nutro is prepared in rich dairying sections of Indiana and Wisconsin; is made from fresh pure cow's milk with the butter fat extracted and refined coconut oil added.

Again, they say:

Nutro is a delicious and nutritious new milk product.

In one of their advertisements they state:

It is prepared in the rich dairying districts of Wisconsin and Indiana and made of pure rich cow's milk with the animal fats extracted.

They further add:

And essential food values replaced by a refined, rich, sweet, pure, vegetable coconut oil.

Thus giving the impression that there is something in milk—the animal fat—that has been removed that may be deleterious. They further claim:

Nutro is pure, delicious, wholesome. It is prepared in model dairies from pure cow's milk, evaporated to double strength.

In the Senate hearings, page 12, it is clearly set forth that dealers keep the product on the same shelves with condensed and evaporated milk, frequently sell it at the same price, although it costs considerably less, and, according to the testimony, claim that the product is equally as good. One dealer said:

It is good. We sell more Hebe than any other; better for puddings than fresh milk; just as good as the other.

Another said:

It was certified by the board of health.

Which it is not. Another said:

I sell very much, and people give it to children.

Another said:

Of course it is good for children.

Another:

It is as good as the other; it is good for children.

Another said:

It is as good as the other, and I recommend it for children.

In the House hearings, page 168, it was stated that—

Borden's condensed milk and Hebe they charge the same as for evaporated milk—10 cents. When asked the question, "Which is better for house use?" four stores stated, "One is just as good as the other."

I will name now some of the States that prohibit the manufacture or sale of this product within the State:

New Jersey prohibits the manufacture and sale of condensed or evaporated milk to which have been added, blended, or compounded any fats or oils other than milk fats.

New York prohibits the manufacture and sale of condensed evaporated milk, and so forth, to which have been added any fats or oils other than milk fats in semblance of milk or condensed milk.

Wisconsin, Florida, Maryland, Ohio, California, Oregon, and Utah prohibit it; and, as I have said, Washington has just passed a law prohibiting it; and Washington, I believe, is the second largest State for its manufacture.

#### STATE LAWS.

(Senate hearings, p. 253.)

New Jersey prohibits the manufacture and sale of condensed or evaporated milk to which has been added, blended, or compounded any fats or oils other than milk fats.

New York prohibits the manufacture and sale of condensed or evaporated milk, etc., to which has been added any fats or oils other than milk fats in semblance of milk or condensed milk.

Wisconsin prohibits the manufacture or sale of condensed or evaporated milk or any other derivatives of milk to which has been added any fat or oil other than milk fat.

Florida prohibits the manufacture or sale of condensed or evaporated milk which is not made of pure milk from which no part of the cream has been removed and which does not contain specified percentages of milk solids and butter fat.

Maryland laws prohibit the manufacture or sale of condensed, evaporated, or preserved milk which is not manufactured from pure milk from which no part of the cream has been removed and which does not have certain high specified percentages of milk solids and butter fat.

Ohio prohibits the manufacture or sale of condensed milk which is not made from whole milk and which does not have a solid content equivalent to 12 per cent in whole milk and a butter-fat content equivalent to 3 per cent.

California: Imitation milk is defined to be any mixture or compound made of milk, skimmed milk, or any semblance thereof to which has been added any edible oil or fat other than natural milk fat.

Oregon places substantially the same restrictions upon the manufacture and use of milk as California.

Utah essentially the same.

They recognize that while it is injurious, it is worse than that, in that it is destroying the dairy interests of the State of Washington, as it was destroying the dairy interests of the State of Wisconsin, and that in a few years they will be in the same condition as was this country with filled cheese when there was no foreign market for American cheese.

During the eighties and early nineties skimmed-milk cheese was largely made, and filled cheese came later to be a prominent feature, and these products exported abroad practically ruined the American cheese industry, so much so that American cheese of the best quality had to be shipped from Montreal as Canadian cheese in order to find a market abroad.

#### FILLED MILK EXPORTED.

The New York Globe of last fall stated that "there were persistent rumors of filled or adulterated milk being sold at down-town districts of that city. The food department prosecuted one of the largest wholesale-grocery houses in New York for selling that class of milk and they were fined \$3,000. While innocent themselves, they had bought milk from the Rogers Milk Corporation, which also puts out a pure product, and food officials charged that the milk fat had been removed from the product and that in its place a vegetable oil had been substituted, so that the mixture consisted of a product fraudulently labeled compound or skimmed milk and foreign fat.

Another case was a shipment of 1,900 cases of condensed milk to Austria, under date of March 15, 1922, which was purchased from the Danish Pride Milk Products Co. by a company and it was labeled "This can contains pure cow's milk evaporated to a consistency of plain condensed milk and is guaranteed by the manufacturer." Examination in Austria showed it to be evaporated filled milk containing coconut oil in spite of the fact that it was labeled as "pure cow's milk evaporated." It bore the label of "Pantry Brand," but beneath these labels, in many cases, was to be found another label, "Enzo Brand."

This is not an innocent sale, for records would indicate that the product had been previously sold to another New York corporation and later rejected because it was misrepresented.

There are court records here of an instance where 1,000 cases of this milk were sold and shipped abroad to Germany, labeled as pure evaporated milk, and it was discovered after it reached Germany that it was this special product from which all the butter fat had been extracted and coconut oil had replaced it. It was then returned to this country, and those who shipped it from this country paid a heavy fine for the shipment.

In the same way, another firm in New York City was prosecuted for selling the product as pure evaporated milk when it was known to be skimmed milk to which vegetable fats had been added; and that firm paid a fine, I think, of \$3,000. The commissioner of public health in New York, now elected as Senator from New York, Doctor COPELAND, has taken steps to prohibit the sale of filled milk within the cities of New York and Brooklyn, and is making war against it, and is determined that it shall not be sold.

I feel that it is our duty to enact this bill into law, so that the farmers and dairymen of this country shall be protected. If Senators will examine the report that accompanies this bill, I think they will find the facts pretty fully set forth; but at present I will not talk longer on the bill. The Senator from Ohio [Mr. WILLIS], I understand, desires to address the Senate in regard to it.

Mr. WILLIS. Mr. President, it is with very great regret that I have to say that I shall be compelled to vote against the motion made by the Senator from North Dakota.

As the Senator knows, I am very friendly to this bill. I have had a very humble part in bringing it to its present state. I believe it ought to be passed. I may say in passing that if the Senate had the rules that it ought to have to enable a majority of the Senate to transact business, there is ample



time for the consideration of this bill as well as of the shipping bill and other measures that ought to be acted upon before adjournment; but here is the situation which confronts us:

The shipping bill has been before the country and before the Congress for a long time. The Senator from Washington in charge of the bill has been very generous in yielding to everybody—not too generous, I think, but he has not sought to shut out other legislation. Now, however, we are approaching the close of the session. I think the country expects that the Senate will vote on the shipping bill. There are some things in it that I do not like, and there are more things that somebody else may not like, and other features that other Senators may like. At all events, it is a matter upon which the Senate ought to vote. To me it is perfectly apparent that if this bill is taken up at this time we shall probably get into such a legislative jam that neither bill will be voted upon.

For that reason, Mr. President, without going into a detailed discussion of the bill, I wish to state that I am in favor of the bill which the Senator from North Dakota seeks to bring up. I believe it is justified on the same basis on which we have passed the pure food laws, and that we will, if we get to a vote, pass the truth in fabrics bill, that the people are entitled to know what it is that they are buying; but I very much fear that if we bring up the bill we will not get to a final vote on it, and certainly we will not get to a final vote on the shipping bill. For that reason I shall feel compelled to vote against the motion made by my friend from North Dakota.

Mr. JONES of Washington. Mr. President, I am in favor of the bill that the Senator from North Dakota has moved to take up. I feel satisfied that we have an abundance of time to pass the bill after the shipping bill is disposed of. There is no reason in the world why the Senate at this session should not vote upon these various measures. If this motion prevails, those who are opposed to the filled milk bill—and I understand that there are quite a number of Senators who are opposed to it—will feel justified, of course, in taking up a great deal of time, not in a way to delay that bill, but, of course, to delay the shipping bill.

As the Senator from North Dakota says, I have tried to arrange matters so that this bill could be taken up. I had hoped that the morning hour last Saturday could have been given to this bill. I understood that that would be done, but it was not done.

Mr. CURTIS. Mr. President, is it not true that the Senator offered to give an hour and a half this morning to the consideration of this bill?

Mr. JONES of Washington. Yes; I offered to give an hour and a half to its consideration.

Now, Mr. President, I move to lay on the table the motion of the Senator from North Dakota; and pending that I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

|            |                |            |              |
|------------|----------------|------------|--------------|
| Ball       | Frelinghuysen  | McKellar   | Sheppard     |
| Bayard     | George         | McKinley   | Shields      |
| Borah      | Glass          | McLean     | Shortridge   |
| Brookhart  | Gooding        | McNary     | Smith        |
| Broussard  | Hale           | Moses      | Smoot        |
| Bursum     | Harrell        | Nelson     | Spencer      |
| Calder     | Harris         | New        | Stanfield    |
| Cameron    | Harrison       | Nicholson  | Stanley      |
| Capper     | Heflin         | Norbeck    | Sterling     |
| Caraway    | Hitchcock      | Norris     | Sutherland   |
| Colt       | Johnson        | Oddie      | Swanson      |
| Couzens    | Jones, N. Mex. | Overman    | Townsend     |
| Culberson  | Jones, Wash.   | Owen       | Trammell     |
| Cummins    | Kellogg        | Page       | Underwood    |
| Curtis     | Keyes          | Pepper     | Wadsworth    |
| Dial       | King           | Phipps     | Walsh, Mass. |
| Dillingham | Ladd           | Pittman    | Walsh, Mont. |
| Edge       | La Follette    | Poindexter | Warren       |
| Ernst      | Lenroot        | Ransdell   | Watson       |
| Fernald    | Lodge          | Reed, Mo.  | Weller       |
| Fletcher   | McCormick      | Reed, Pa.  | Willis       |
| France     | McCumber       | Robinson   |              |

The PRESIDING OFFICER. Eighty-seven Senators having answered to their names, there is a quorum present.

Mr. JONES of Washington. Mr. President, I ask for the yeas and nays on the motion.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is upon the motion of the Senator from Washington [Mr. JONES] to lay on the table the motion made by the Senator from North Dakota [Mr. LADD] to take up for consideration H. R. 8086, known as the filled milk bill. The yeas and nays have been ordered.

Mr. FRELINGHUYSEN. Mr. President, I want to state my position—

Mr. JONES of Washington. The question is not debatable. The PRESIDING OFFICER. The Secretary will call the roll.

Mr. HARRISON. Mr. President, a parliamentary inquiry. The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. HARRISON. Is it in order at this time to request the Senator from Washington not to object to Senators discussing the merits of these two bills?

Mr. JONES of Washington. I ask for the regular order. The PRESIDING OFFICER. The regular order has been called for. The Secretary will call the roll.

The yeas and nays were taken.

Mr. CURTIS. I desire to announce that the Senator from West Virginia [Mr. ELKINS] is paired with the Senator from North Carolina [Mr. SIMMONS].

Mr. WATSON (after having voted in the affirmative). I transfer my pair with the senior Senator from Mississippi [Mr. WILLIAMS] to the senior Senator from Connecticut [Mr. BRANDEGER] and permit my vote to stand.

Mr. WILLIS (after having voted in the affirmative). I am paired with my colleague [Mr. POMERENE], and not knowing how he would vote, in his absence I will be compelled to withdraw my vote.

The result was announced—yeas 42, nays 44, as follows:

| YEAS—42.   |               |            |            |
|------------|---------------|------------|------------|
| Ball       | Frelinghuysen | McLean     | Shortridge |
| Broussard  | Hale          | Moses      | Smoot      |
| Calder     | Harrell       | Nelson     | Spencer    |
| Colt       | Johnson       | New        | Townsend   |
| Cummins    | Jones, Wash.  | Oddie      | Underwood  |
| Curtis     | Kellogg       | Page       | Wadsworth  |
| Dial       | Keyes         | Pepper     | Warren     |
| Dillingham | Lenroot       | Phipps     | Watson     |
| Edge       | Lodge         | Poindexter | Weller     |
| Ernst      | McCumber      | Ransdell   |            |
| Fernald    | McKinley      | Reed, Pa.  |            |

  

| NAYS—44.  |                |           |              |
|-----------|----------------|-----------|--------------|
| Bayard    | George         | McCormick | Sheppard     |
| Borah     | Glass          | McKellar  | Shields      |
| Brookhart | Gooding        | McNary    | Smith        |
| Bursum    | Harris         | Nicholson | Stanfield    |
| Cameron   | Harrison       | Norbeck   | Stanley      |
| Capper    | Heflin         | Norris    | Sterling     |
| Caraway   | Hitchcock      | Overman   | Sutherland   |
| Couzens   | Jones, N. Mex. | Owen      | Swanson      |
| Culberson | King           | Pittman   | Trammell     |
| Fletcher  | Ladd           | Reed, Mo. | Walsh, Mass. |
| France    | La Follette    | Robinson  | Walsh, Mont. |

  

| NOT VOTING—10. |          |          |        |
|----------------|----------|----------|--------|
| Ashurst        | Gerry    | Pomerene | Willis |
| Brandegee      | Kendrick | Simmons  |        |
| Elkins         | Myers    | Williams |        |

So the Senate refused to lay Mr. LADD's motion on the table.

Mr. OWEN obtained the floor.

Mr. UNDERWOOD. Mr. President, I ask the Senator from Oklahoma to yield to me for a moment or two to say something in regard to the motion just voted on.

Mr. OWEN. I yield.

Mr. UNDERWOOD. Mr. President, I want to make a statement in regard to the vote I have just cast. The question being on a motion to lay on the table, of course I had no opportunity to say a word before the vote was taken. I want to let the RECORD show what I know we already know, that the vote on the filled milk bill was merely an incident in connection with the action of the Senate. The real issue was the displacing of the shipping bill.

I am opposed to the shipping bill, and I am opposed to the filled milk bill. I think they are both bad bills, and both based on the same principle. The purpose of one is to give a subsidy out of the Treasury to develop industry, and I am opposed to that in principle. The object behind the other is to use the power of legislation to destroy one industry in order that another industry may have a larger field in which to operate its business.

So, of course, when I had two bad bills before me, it was somewhat difficult for me to determine what to do; but realizing, of course, that if the filled milk bill got the right of way it would pass, notwithstanding my objection, I voted in favor of the motion to lay on the table.

I think the line of legislation involved in this filled milk bill is bad. It is nothing new with me. From the beginning of my service in Congress—for 20 years—I have voted against oleomargarine bills, not that I did not want regulation, but because I believed such legislation was an effort to tax one food product out of existence in order that another food product might have a wider market. I believed that the tax and the impediments laid on oleomargarine were discriminations against the poor man's food in favor of those who



could pay higher prices, and, oleomargarine being a pure-food product, I have never seen why the poor man, who has not the opportunity and the money to buy Elgin butter, should not be allowed to buy the next best thing he could get, untaxed and colored to suit his palate. I regard this pending filled milk bill as exactly in that category.

If it was deleterious to life or health, the laws which are now on the statute books would prevent its sale. Of course I know it is not as good a food product as butter, but a great many people can not buy butter and they can buy skimmed milk mixed with vegetable oil, which to some extent satisfies their palate. Apparently it is not deleterious to health and the proof of that is that it is not excluded. If it was deleterious to health, the present laws would exclude it. If it is not, I am not going to vote for a class of bills that would lay an embargo on what the very poor of the country have got to eat. That is the reason why I am opposed to the bill.

On the other hand, I want to say this about the shipping bill: I have never voted for a subsidy of any kind. I have never voted for a protective tariff on any article. I have never voted for any other subsidy in that class of legislation and I do not believe in it. I am opposed to the present shipping bill for that reason, although I should be very much delighted if the great shipping of the country could be developed and made to function along legislative lines for which I could afford to vote.

But I am opposed to the defeat of the shipping bill by indirection. There are certain great principles that may be involved in votes in the Senate where human rights and human liberty and fundamental principles of our Government are at stake when I would not hesitate for a moment to use any legislative power I possess to prevent the passage of a bill. But when it comes down merely to a question of dollars, when it is purely an economic question, I think the majority have a right to register their position. Last summer I was very much opposed to the tariff bill. I thought it was a radically bad bill, but after we had properly presented our position to the country and allowed the country to know our position in the matter, we allowed the majority party to pass the bill.

It could have been held here without any question until this good hour if we had desired to filibuster it to death, but it was an economic measure, and, in my opinion, the majority had the right to determine what the country should do.

Let me say to the majority now, however, that if you pass the shipping bill it will come back to your door within a week after you have passed it. I do not believe it will function. I do not believe it will produce the result you expect. I believe it will be a disappointment to the country. I believe it is fundamentally wrong. But being a purely economic question, so far as I am concerned, I am willing to let you vote on it. Of course, I represent nobody in this statement except myself, as is shown by the vote which has just been cast, but I want the RECORD to show my position. When the shipping bill has had a reasonable discussion I am willing to take a vote on it. I think it will be a mistake to pass it, but the majority have the right to register the result of their conclusions, because they are a majority of the Congress. I think you have had a reaction against your own measure by your own people to-day, and that you will have the same reaction if you pass the shipping bill, but I think the way to find out is to give an opportunity for a vote after reasonable debate, and if you can then command a majority you are entitled to have the will of the majority placed on the statute books. Therefore I voted as I did a moment ago.

I thank the Senator from Oklahoma for his courtesy in allowing me to make the statement.

#### BELLEAU WOOD MEMORIAL ASSOCIATION.

Mr. OVERMAN. Mr. President, will the Senator from Oklahoma yield to me to submit a report?

Mr. OWEN. I yield if it will take no time.

Mr. OVERMAN. I think it will take only a moment. From the Committee on the Judiciary I report back favorably with an amendment the bill (S. 4552) to incorporate the Belleau Wood Memorial Association, and I submit a report (No. 1166) thereon.

The bill provides for a charter for the good women of the country who have organized themselves together and raised the money to purchase Belleau Wood and to make permanent that battle field, consecrated by the lives of 3,000 brave American boys. They have secured an option on the property. The option expires in March. The charter which they have secured from one of the States is not sufficient to enable them to obtain a charter in France, as they are advised by attorneys.

I ask unanimous consent for the immediate consideration of the bill granting them a charter in order that they may pur-

chase the property. They have the money now on hand, and I hope the measure may be passed at once.

The VICE PRESIDENT. Is there objection to the request of the Senator from North Carolina?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the committee was to strike out lines 11 and 12, on page 1, and lines 1 to 11, inclusive, on page 2, and to insert:

SEC. 2. That the purposes of this corporation shall be: (a) To acquire and maintain the whole or any portion of Belleau Wood, Department of Aisne, France, for memorial purposes; (b) to erect such buildings and monuments and establish such institutions thereon as it may deem appropriate as a memorial to the men of the American Expeditionary Forces who participated in the Battle of Belleau Wood, France, and vicinity during the World War; (c) to solicit and obtain members; (d) to charge and collect membership dues and to solicit and receive contributions of money to be devoted to carrying out such purposes; and (e) to care for and maintain such memorial.

So as to make the bill read:

Be it enacted, etc., That Ira E. Bennett, Tasker H. Bliss, Nathalie Boynton, Marie Moore Forrest, Elizabeth Van Rensselaer Brazer, James E. Freeman, Margaret Overman Gregory, Harry V. Haynes, John A. LeJeune, A. L. McClellan, Wendell C. Neville, Frank B. Noyes, John Barton Payne, Augusta Reath, Alice Hay Wadsworth, John Walsh, and their associates and successors, are hereby created a body corporate by the name of "Belleau Wood Memorial Association."

SEC. 2. That the purposes of this corporation shall be: (a) To acquire and maintain the whole or any portion of Belleau Wood, Department of Aisne, France, for memorial purposes; (b) to erect such buildings and monuments and establish such institutions thereon as it may deem appropriate as a memorial to the men of the American Expeditionary Forces who participated in the Battle of Belleau Wood, France, and vicinity during the World War; (c) to solicit and obtain members; (d) to charge and collect membership dues, and to solicit and receive contributions of money to be devoted to carrying out such purposes; and (e) to care for and maintain such memorial.

SEC. 3. That the corporation (a) shall have perpetual succession; (b) may sue and be sued; (c) may adopt a corporate seal and alter it at pleasure; (d) may adopt and alter by-laws not inconsistent with the Constitution and laws of the United States or of any State; (e) may establish and maintain offices for the conduct of its business; (f) may appoint officers and agents; (g) may choose a board of trustees consisting of not more than 15 persons nor less than 5 persons to conduct the business and exercise the powers of the corporation; (h) may acquire, by purchase, devise, bequest, gift, or otherwise, and hold, encumber, convey, or otherwise dispose of such real and personal property as may be necessary or appropriate for its corporate purposes, and especially the whole or any portion of Belleau Wood, Department of Aisne, France, to the extent that it may be or become consistent with or permitted by the laws of the French Republic; and (i) generally may do any and all lawful acts necessary or appropriate to carry out the purposes for which the corporation is created.

SEC. 4. That the Belleau Wood Memorial Association, a corporation heretofore incorporated under the laws of the District of Columbia, is authorized to transfer to the corporation created by this act all of its property, rights, and assets, and such corporation is authorized to receive all of such property, rights, and assets. Upon such transfer, such association shall thereby be dissolved, and such corporation shall be liable for all the obligations of and claims against such association, and all of such obligations and claims may be enforced against the corporation.

SEC. 5. That the corporation shall, on or before the 1st day of December in each year, transmit to Congress a report of its proceedings and activities for the preceding calendar year, including the full and complete statement of its receipts and expenditures. Such reports shall not be printed as public documents.

SEC. 6. That the right to alter, amend, or repeal this act at any time is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### PROPOSED INTERNATIONAL CONFERENCE.

Mr. OWEN. Mr. President, this morning I sent to the desk a Senate resolution, which I ask may be read.

The VICE PRESIDENT. The Secretary will read as requested.

The reading clerk read the resolution (S. Res. 445), as follows:

Resolved, That the President of the United States is requested to invite all the nations of earth, whether they have adhered to the covenant of the league or not, to attend, in the city of Washington, United States of America, a three months' international economic conference for the promotion of international trade and understanding, and a conference for the establishment throughout the world of the territorial integrity and political independence of every nation, great and small, and the abolition of war.

Mr. OWEN. Mr. President, the time has come when the United States Senate should perform the duty of voicing throughout the world the doctrine of international justice, of international righteousness, and understanding, the doctrine upon which the peace of the world and the happiness of mankind must be based. If eventually, why not now?

The world is looking for the moral leadership of the one great disinterested, self-governing Nation.

The World War demonstrated the enormous physical power of the United States. It demonstrated its power to produce at



high speed quantity and quality of munitions of war. It demonstrated the power of a peaceful democracy to organize for war. It demonstrated the power of our Republic financially, for without a quiver it raised forty thousand millions of dollars to finance the war and establish liberty and justice in the world. It demonstrated our unselfishness.

The statesmen of Europe are directly and indirectly appealing to America to point the path of peace and liberty. These appeals come from Great Britain, from Italy, from Belgium, from France, and from Germany.

From yesterday's press I clipped the following:

BRITISH LABORITES SEND APPEAL TO PRESIDENT—88 MEMBERS OF COMMONS ASK MR. HARDING TO SAVE EUROPE.  
(By the Associated Press.)

LONDON, February 17.—Eighty-eight laborite members of the House of Commons have signed the following cablegram to President Harding: "America, with Great Britain, unwittingly has made France's present destructive action possible. We appeal for American cooperation to-day as the one hope of saving Europe."

President Baltasar Brum, of Montevideo, Uruguay, on February 10, made public a plan for an association of American nations which the delegation of Uruguay is to lay before the Pan American Congress at Santiago, Chile, next month, an abstract of which I hereto attach as Exhibit A.

The substance of President Brum's proposal is that the American nations should have a Western Hemisphere association to encourage the idea that international relations are founded upon the principles of justice and solidarity, regardless of differences of race, customs, or religion, to intensify inter-American friendship and friendly relations with other countries of the world, and to solve by arbitration international conflicts and preserve the sovereignty and territorial integrity of every nation.

On Saturday, February 10, I submitted to the CONGRESSIONAL RECORD House Resolution No. 16 of the Legislature of Oklahoma, as follows:

Whereas it is made known by the American press that conditions in continental Europe grow daily worse; that nations, great and small, are tottering, unable to pay expenses; and

Whereas suffering among the people is increasing, famine threatens here and there, unemployment is growing, and a spirit of suicidal desperation has settled down over half the world; and

Whereas if step follows step and a new world war results this conflict by comparison will bleach the red horror of the last one, sweeping us along with the rest; and

Whereas the time to avert the European crisis is before it leads to a new conflict of nations: Now, therefore, be it

Resolved by the House of Representatives of the Ninth Legislature of the State of Oklahoma, That we memorialize the Congress of the United States to give its sympathetic consideration to the following basic plan for a return to world sanity:

First. That the United States must assume the leadership;

Second. That at the first possible opening President Harding should call a conference of the leading World War powers;

Third. That the program at this conference should be in two sections, economic problems and limitation of armaments;

Fourth. That instantly the conference is called to order America's spokesman should lay before the assembly some specific plan of world rehabilitation which might involve an international moratorium on war debts and an international loan to the worst stricken nations; and be it further

Resolved, That a copy of this resolution be sent to each Member of the Oklahoma delegation in Congress.

Adopted by the house of representatives this the 24th day of January, 1923.

CHAS. S. BRICE,

Speaker pro tempore of the House of Representatives.

This resolution from Oklahoma might be regarded as a motion in the assembly of nations and to all mankind calling for intelligent, concrete action, and a conference to promote commerce and end war. I ask the Senate of the United States to consider this proposal coming from the heart of America, from a legislature just elected by the people, a body of representatives who know and feel what the sentiment of the people is.

The proposal for action is timely. It is entitled to serious consideration and to a decision.

The Senator from Idaho [Mr. BORAH] on January 29 voiced from the State of Idaho in Senate Resolution 426 a conception similar to that which appeared in the Oklahoma Legislature. I am in accord with the Senator from Idaho, and would go still further concretely, directly, and simply. The time has come for action. The resolution of the Senator from Idaho represents the aspiration of the large majority of Americans.

On May 9, 1921, the Senator from Wisconsin [Mr. LA FOLLETTE] introduced Senate Resolution 74, protesting against the United States cooperating to carry into effect and enforce the terms of the treaty of Versailles, on the ground that the treaty of Versailles was influenced too largely by revenge; that it was a betrayal of the promises of the United States made to the world and formally accepted by the Allies as the basis of the peace terms; that the Senate of the United States had refused to ratify it; that the people of the United States had indorsed the action of the Senate in objecting to the Versailles treaty.

The Senator from Wisconsin was reelected and renominated after this declaration by an overwhelming vote in Wisconsin. He represents also a very considerable element of public opinion in the United States.

Mr. President, the peoples of the world should no longer permit themselves to be put in danger of world war by the ambition, vanity, or self-sufficiency, or by the mere patriotism and physical courage of national leaders who demand the invasion of the sovereignty and territorial integrity of other nations on any ground, real or fanciful.

The chief reason the invasion of Germany by French leaders is objectionable is because it is a denial of these fundamental international principles and because the remedy of French invasion is worse than the disease of German evasion. The Germans ought to be made to pay the reparations due, and the world ought to require it, but the French invasion of Germany by military force is building up hostilities so intense that it may again produce a world war without obtaining the justice to which the French people are undoubtedly entitled. Senators should not be deterred from expressing their honest opinions by the unthinking charge that they are taking sides with Germany against France. The principles of international justice must be declared without respecting persons or nations. It has been said that "God is no respecter of persons," and justice and liberty are the divine principles through which the peace and happiness of mankind must be secured, and these principles must not be twisted by either hate or love of any nation, whether French or German.

It is well to remember that there ought always to be made a broad distinction between the people and those who govern the people. The people can hardly be held morally responsible for things done against their will and without their consent by those who govern them without their consent, and this is why the subjects of the former Teutonic Imperialists are entitled to some consideration because their consent was not asked. Their opinions were enslaved and the people were driven by a brute military force organized to the last degree, which meant a summary death to any individual who dared refuse obedience.

How could the President of the United States have made clearer the distinction between the people who were subject and the rulers who subjected them without their consent in the Central Empires than he did in his address to the joint session of the two Houses of Congress January 8, 1918?

The President's address of January 8, 1918, was in answer to the desire of the spokesman of the Central Empires "to discuss the objects of the war and the possible bases of a general peace," and he spoke for the Entente Allies and all of them. He spoke expressly for the United States and for all the governments and peoples associated together against the Imperialists.

The President said in regard to this:

We (the associated nations) can not be separated in interests or divided in purpose. We stand together until the end. For such arrangements and covenants (the 14 points) we are willing to fight and to continue to fight until they are achieved.

The President said:

We have no jealousy of German greatness, and there is nothing in this program that impairs it. We grudge her no achievement or distinction of learning or of pacific enterprise such as have made her record very bright and very enviable. We do not wish to injure her or to block in any way her legitimate influence or power. We do not wish to fight her either with arms or with hostile arrangements of trade if she is willing to associate herself with us and the other peace-loving nations of the world in covenants of justice and law and fair dealing. We wish her only to accept a place of equality among the peoples of the world—the new world in which we now live—instead of a place of mastery.

President Wilson said further in this address:

An evident principle runs through the whole program I have outlined. It is the principle of justice to all peoples and nationalities and their right to live on equal terms of liberty and safety with one another, whether they be strong or weak. Unless this principle be made its foundation no part of the structure of international justice can stand. The people of the United States could act upon no other principle; and to the vindication of this principle they are ready to devote their lives, their honor, and everything that they possess. The moral climax of this the culminating and final war for human liberty has come, and they are ready to put their own strength, their own highest purpose, their own integrity and devotion to the test.

Who did the President speak for? He spoke for France, for Great Britain, for Italy—for the Allies as well as for the people of America—and the Allies adopted these principles, and on this declared basis the German leaders and the German people surrendered. Have we forgotten these 14 points? They are express covenants with Germany and the world. Can they ever be forgotten in international affairs? The 14 points were 14 explicit, contracted obligations. What are they?

1. Open covenants of peace. No private international understandings.

2. Freedom of the sea.



3. Removal of economic barriers. Equality of trade conditions.

4. Adequate guaranties to reduce national armaments to the lowest point consistent with domestic safety.

5. Absolutely impartial adjustment of all colonial claims, recognizing of equal right the sovereignty of the populations concerned with the equitable claims of governments whose title is to be determined.

6. The treatment of the Russian people—political independence and welcome into the society of free nations under institutions of her own choosing.

7. The evacuation and complete freedom of Belgium.

8. The restoration of Alsace-Lorraine to France.

9. The readjustment of the frontiers of Italy along clearly recognizable lines of nationality.

10. The freest opportunity of autonomous development of Austria-Hungary.

11. The evacuation of Rumania, Serbia, and Montenegro. The political and economic independence and territorial integrity of the several Balkan States.

12. The sovereignty to the Turkish portions of the Ottoman Empire, security to nationalities under Turkish rule, their autonomous development, and the opening of the Dardanelles.

13. The political and economic independence and territorial integrity of Poland inhabited by indisputably Polish populations.

14. A general association of nations must be formed under specific covenants for the purpose of affording mutual guaranties of political independence and territorial integrity to great and small States alike.

These are the covenants that the President of the United States declared "we (the Allies) are willing to fight for." Human liberty, international justice—this was the moral climax of the war. These were the objects put in concrete form for which we fought.

The authorities of the British Empire, the leaders of France, of Italy, of Japan accepted the doctrine laid down by Woodrow Wilson. These are the things for which America sacrificed. These are the things for which our American soldiers died. They did not lay down their lives to establish the principles of injustice, of territorial aggrandizement, of military ambition, or to support the petty vanities of any human leadership.

These are the pledges on which as a solemn contract the Germans laid down their arms and the Prussian military dynasty forever.

Mr. President, it is said that all legislation is a matter of compromise, and the treaty of Versailles was a matter of compromise. It has been, however, demonstrated that Woodrow Wilson used every ounce of his energy—social, physical, and moral—to get these 14 contracted terms and points recognized. If he did not succeed absolutely and completely, it was not because he did not go to the utmost limit of his powers. Perhaps he might have succeeded if he had had the whole-hearted support and understanding of all the American leaders. Unhappily, party divisions, party ambitions, party prejudices, perhaps, seriously weakened his efforts and did the world great injury.

I am sure that he believed that time would correct the failure of the Versailles treaty to fully meet the obligations to the world under the 14 points, such as self-government to the people of Shantung, to the people of Ireland, to the people of Egypt, and the matter of reparations. The Shantung controversy has settled itself. The Irish people have been given self-government. Large concessions have already been made to the people of Egypt, and various concessions have been made in the reparations matter; so that his foresight and hope have not been entirely disappointed nor without reason.

The doctrine of the right to rule without the consent of the governed has been almost entirely abandoned throughout the world. The doctrine of democracy, the right of the people to govern themselves, the doctrine of liberty, of the sovereignty of the people, their right to political independence and territorial integrity, is now a generally accepted doctrine throughout the world. The military autocracies have been annihilated.

Woodrow Wilson made a gigantic effort to convince the American people of the importance of accepting the Versailles treaty and the covenant of the league. He pointed out in many speeches throughout the country how the entry of the United States into this treaty, into the league, would give stability to the nations of the world; would bring disarmament, international peace, and a rapid restoration of the productive powers of mankind under the happy influence of complete international peace terms; that the Senate of the United States had refused serious and prolonged illness, for he was not physically strong

when he entered upon the duties of the Chief Executive, and only by the most careful daily effort had he been able to keep himself equal to his task. In the fall of 1919 he was no longer physically able to carry on this contest. He was as much a martyr to the public service as any soldier that ever fell in battle, and history will in due time accord him the high place which his very great services justify.

Mr. President, America owes a duty to the world and to its own future to take the invited initiative in organizing the world to recognize the principles of international justice, liberty, and good understanding, and of the right of every nation, great or small, to territorial integrity and political independence.

#### WHAT ARE THE OBJECTIONS?

Certainly, Mr. President, there can be no objection to the United States giving voice to these principles in which we all unanimously believe, and a formal declaration would go far to strengthen these political doctrines throughout the world.

Certainly our entry into the League of Nations, with such reservations as Congress might see fit, would wonderfully stimulate the great doctrines of liberty and international justice set forth in the covenant of the league.

#### THE ELECTION OF 1920.

Mr. President, there are those who imagine that the election of 1920, and there are those who have carried on a propaganda to the effect that the election of 1920, was a mandate from the American people not to enter the League of Nations. Nothing could be more absurd or so injurious to the world's interest as this pretension. If this grotesque notion that the American people voted against the League of Nations in the election of 1920 prevails it would mean the abandonment by America of the moral leadership of mankind.

The election of 1920 meant nothing of the kind. Both parties were committed to the covenant of the League of Nations. The Democrats voted for it without reservations and with reservations. The Republican Senators voted for it with reservations and some without reservations, and only a negligible number voted against it. The Democratic Party made it an issue in the campaign of 1920 and made the following declaration:

The Democratic Party favors the League of Nations as the surest, if not the only, practicable means of maintaining the peace of the world and terminating the insufferable burden of great military and naval establishments.

It was upon this basis that the President of the United States, in prearrangement with our allies, consented to a suspension of hostilities against the Imperial German Government; the armistice was granted and a treaty of peace negotiated upon the definite assurance to Germany, as well as to the powers pitted against Germany, that "a general association of nations must be formed, under specific covenants, for the purpose of affording mutual guaranties of political independence and territorial integrity to great and small States alike."

Upon this platform the Democratic candidate received 9,147,850 votes.

The Republican Party platform of 1920 made the following declaration with regard to the League of Nations:

The Republican Party stands for agreement among the nations to preserve the peace of the world. We believe that such an international association must be based upon international justice and must provide methods which shall maintain the rule of public right by the development of law and the decision of impartial courts and which shall secure instant and general international conference whenever peace shall be threatened by political action, so that the nations pledged to do and insist upon what is just and fair may exercise their influence and power for the prevention of war.

We believe that all this can be done without the compromise of national independence, without depriving the people of the United States in advance of the right to determine for themselves what is just and fair when the occasion arises, and without involving them as participants and not as peacemakers in a multitude of quarrels the merits of which they are unable to judge.

It criticizes the covenant of the league as drawn and the insistence of the President in favor of the covenant without amendment; and in regard to the Republican Senate which had voted to adopt the covenant of the league with reservations the Republican platform said:

We approve their conduct and honor their courage and fidelity, and we pledge the coming Republican administration to such agreements with the other nations of the world as shall meet the full duty of America to civilization and humanity in accordance with American ideals and without surrendering the right of the American people to exercise its judgment and its power in favor of justice and peace.

As far as the public was concerned there was little or no difference between the attitude of this Republican platform and the Democratic platform, because the Democratic platform had no intention whatever to deprive the people of the United States "to determine for themselves what is just and fair" or to involve them in a multitude of quarrels, as stated in the Republican platform. The Democratic platform stated in terms, with regard to the League of Nations, that—



The President repeatedly has declared, and this convention reaffirms, that all our duties and obligations as a member of the league must be fulfilled in strict conformity with the Constitution of the United States, embodied in which is the fundamental requirement of declaratory action by the Congress before this Nation may become a participant in any war.

When on November 19, 1919 (CONGRESSIONAL RECORD, p. 8802), Mr. LODGE submitted the question of ratifying the covenant of the league with certain reservations, 41 Senators, including myself, voted for it, including nearly all the Republican Senators—

|            |               |          |            |
|------------|---------------|----------|------------|
| Ball       | Frelinghuysen | McCumber | Spencer    |
| Calder     | Hale          | McLean   | Sterling   |
| Capper     | Harding       | McNary   | Sutherland |
| Colt       | Jones, Wash.  | New      | Townsend   |
| Cummins    | Kellogg       | Newberry | Wadsworth  |
| Curtis     | Kenyon        | Page     | Warren     |
| Dillingham | Keyes         | Penrose  | Watson     |
| Edge       | Lenroot       | Phipps   |            |
| Elkins     | Lodge         | Smoot    |            |

and five Democrats. The following Republicans voted against the treaty with the reservations:

|            |             |             |         |
|------------|-------------|-------------|---------|
| Borah      | Gronna      | McCumber    | Sherman |
| Brandegree | Johnson     | Moses       |         |
| Fernald    | Knox        | Norris      |         |
| France     | La Follette | Polindexter |         |

Some of these Republicans voted against it because they were opposed to the treaty on any ground whatever, such as Senators BORAH and JOHNSON of California, while others, including nearly all the Democrats, favored the treaty without these reservations, including all of the Democrats except five, and these Democrats were in favor of the treaty notwithstanding the reservations, so that the vote in the Senate of the United States was overwhelmingly in favor of the covenant of the league, with or without reservations.

Senator Harding, who was at that time a candidate for the Presidency, voted twice for the covenant of the league with reservations.

Nearly all the great Republican leaders were strenuously for the covenant of the League of Nations with or without reservations, for example:

Hon. William Howard Taft, formerly President, who was the president of the League to Enforce Peace, and now, by President Harding's appointment, Chief Justice of the United States.

Mr. Taft, in signed articles in the Public Ledger and in interviews and addresses, strongly advised the friends of the League of Nations to vote for Senator Harding as the best, if not the only hope, for our entry into the league, and in an article in the Public Ledger immediately following the election Mr. Chief Justice Taft said:

The enemies of the league will maintain that the general verdict is one completely adverse to any league, but this will not be the reasonable judgment of those who have followed Mr. Harding's promises in his speech of acceptance, in his speech of August 28, in his Des Moines speech, and in his Indianapolis speech.

Hon. Elihu Root, former member of the Cabinet, Secretary of State, stood for the league with the Lodge reservations.

Charles Evans Hughes, twice Governor of the State of New York and Justice of the Supreme Court, nominee for President, and at the present time Secretary of State under President Harding—the same.

Gen. Leonard Wood, who was a leading candidate for the Republican nomination for the Presidency, declared his—

Approval of the League of Nations with the Senate reservations—reservations which thoroughly Americanize it and leave America absolutely free and untrammelled to follow the only mandate she will ever accept—the mandate of American public opinion, the will of the American people.

Frank O. Lowden, twice Governor of Illinois, another leading candidate for the Republican nomination, stated in his primary campaign—

Another question is that of the League of Nations. I believe in the passage of the League of Nations covenant with reservations. I defend the action of Senators who insisted upon reservations to the charter submitted to them. . . . When the Republican Party is in power we shall, I hope, proceed to establish this machinery for adjusting international differences.

Herbert Hoover, whose friends were urging him for the Presidency, in the Public Ledger and the Chicago Daily News, said—

I stand earnestly for a League of Nations to minimize war, and, moreover, I stand for the league with alterations in the direction pointed by the Republican reservations.

And Herbert Hoover went so far as to say that—

The gravest peril to the cause of peace seems to me to be this, that JOHNSON and BORAH believe and are making the party and the country believe that they have made the issues and are dominating the campaign. If that false impression is allowed to go unchallenged, when they return to the Senate they will be able to draw to their side such Senate support as will enable them to block completely Senator Harding when, as President, he invites approval either of the existing league with reservations or—

And so forth. Vice President Coolidge on October 28 at Carnegie Hall, New York, said:

If the security of Europe is so intertwined with the Versailles treaty and the existing League of Nations that we can make the best progress by taking the good in that treaty and in that covenant and by excluding or amending those things which are not consonant with American traditions and habits, surely the Republican platform permits of such a course; surely the public declarations of Senator Harding permit such a course.

And so many other of the Republican leaders, such as W. Murray Crane, of Massachusetts; William Allen White, of Kansas; Judge Nathan L. Miller, ex-Governor of New York; Lyman J. Gage, ex-Secretary of the Treasury; George W. Wickersham, ex-Attorney General; Charles D. Hilles, president of the National Republican Club; Oscar Straus, and so forth. It is perfectly notorious that the Republicans went before the people in 1920 with the assurance that Senator Harding was the best means by which to get effective favorable action on the League of Nations.

The Republican Party platform was framed in such a way as to prevent Senator JOHNSON, of California, or his supporters bringing about a party split, but the friends of the league believed in Harding and voted for him; and to say that the 7,000,000 plurality which he received was because President Harding was opposed to the League of Nations, for which he twice voted, is false and utterly preposterous.

There are other reasons which fully explain the 7,000,000 plurality which Harding received without the pretense that hostility to the league was the reason.

In the first place, the number of votes had been increased 50 per cent by the women's vote; and, therefore, whatever the plurality, it would be largely increased by this new vote.

In 1918 the voters in America were exceedingly opposed to the entry of the United States into the war. The Democrats had made the campaign on the slogan "He kept us out of war," and on that slogan Woodrow Wilson received 9,129,606 votes against 6,286,214 in 1912, a gain of nearly 3,000,000 votes. This included the people who by descent or affiliation were sympathetic with the German, Austrian, Bulgarian, or Turkish people, the pacifists, and many of the socialists, and all those who wanted to keep out of war.

When Woodrow Wilson led us into war, as he was compelled to do by public opinion, these citizens turned from the support of the Democratic ticket like a shoal of herring, and the Republicans carried both the House and Senate in 1918.

The preelection letter of Woodrow Wilson in 1918 alienated many progressive Republicans, energized the Republican Party, and laid the foundation for the solidarity of all Republicans in 1920.

Many independents and Democrats, as well as progressive Republicans and people of no particular party activity, were incensed by the unavoidable annoyances of war activities, for example:

(a) The selective draft act called 10,000,000 men of all political complexions on June 5, 1917, and left hundreds of thousands of grievances.

(b) The Council of National Defense, necessary as it was, was organized down to the crossroads and offended hundreds of thousands.

(c) The antisedition act, with its spies, and so forth, a necessary act, nevertheless laid the foundation for a number of grievances against the party in power—the Democratic Party.

(d) The suppression of free speech, necessary in war to prevent the foolish from demoralizing our war activities, nevertheless offended thousands.

(e) The War Trade Board interfered with trade and commerce in innumerable ways and left hundreds of thousands offended.

(f) The War Industries Board interfered in all sorts of ways with the industrial life of America—very necessary in time of war and commendable in the highest degree. Unnumbered grievances nevertheless were incited by the action of the War Industries Board.

(g) The food control under Hoover and fuel control under Garfield offended millions of the people. It mattered not if Hoover and Garfield were Republicans. The offense was committed by the Democratic administration and the grievance was against the Democratic Party.

(h) Priority orders on the railroads and embargoes on goods and gold offended hundreds of thousands of people.

(i) The Government control of railroads, the Government control of the telegraph and cable, the Government control of the telephones, the preferential treatment of military and naval business in men, materials, and transports over civilian business offended thousands.



(j) The commandeering of men and material, and outbidding civilians for labor and goods required for war broke up peace-time commercial standards and offended thousands.

(k) The high taxes of war, the excess taxes, the surplus taxes, and the methods of revenue collection and administration annoyed and incensed many.

(l) Necessarily the administration of war is autocratic even in a democracy and thousands were offended by this cause.

On top of all these things there was a resolute and tremendous propaganda carried on against Woodrow Wilson and his administration, due, of course, in part to these causes which are enumerated.

Then followed Wilson's physical illness and more or less Democratic demoralization and a serious discontent within the ranks of the Democratic leadership.

It was all of these things combined that led to Harding's very great plurality, not because of American hostility to the League of Nations.

The campaign of 1920 was carried on on the Republican slogan of so-called "anti-Wilsonism" and "we want a change." The American people wanted to get a change from the autocratic bureaucracy of war to the usual and more democratic processes of peace, and the election of 1920 reflected this sentiment.

But the American people, the overwhelming majority of the American people, believed in the principles of progressive democracy. Nearly all the Democrats are progressive and over half of the Republican citizens are progressive and have been for years, as was shown in the election of 1912 when Roosevelt received 4,126,020 votes and the lovable, genial Taft only 3,483,922. The American people are progressive, and they wish to have a progressive Government. This was most clearly indicated in the election of 1922 when so many stand-pat, conservative Republicans were defeated and progressive Republicans and Democrats sent to the House of Representatives and the Senate by that election.

In Oklahoma not less than 75,000 Republicans voted the Democratic ticket in 1922.

The people of America are not altogether blind party followers, but to a large extent the people regard political parties as a means by which to make effective their will. The time has come when Congress and the Senate should voice the aspirations of America and of mankind for international liberty, international justice, international righteousness. If it did nothing more than express its opinion in an intelligible form it would probably suffice.

But, Mr. President, America should discharge its full responsibility before God and before man and call the leaders of the world together in Washington for an economic and political conference to complete the work of overthrowing militarism already so largely accomplished. It was a splendid thing, in pursuance of this great advance, which President Harding and Secretary of State Charles Evans Hughes accomplished in bringing about the four treaties limiting naval armament. It had my heartfelt approval because it was a fine step forward.

It is time to take another step forward.

It is time for President Harding to fulfill his promises to America.

It is time for the Republican Party to meet its promises of 1920 to America with regard to international peace.

Let us not be content to be silent and allow the days to pass by while another world war is being bred in Europe. It is our duty to Europe, as well as to our own people, to speak and to give the world a forum in which to speak, and the nations of the earth, when assembled in Washington City, in a favorable atmosphere, comparatively free from intrigue, will be able to give voice to the aspirations of the human heart, to the aspirations implanted in the soul of man by the Master Maker of men. It would be another Pentecost.

America will then be able to fulfill the high destiny for which she has through the last century been slowly and surely prepared.

Mr. President, our responsibility in this matter demands action.

America already has the financial and commercial leadership of the world and by equipment is the only great Nation capable of assuming the moral leadership of mankind and leading peacefully the way to international liberty, international understanding, international justice, international prosperity, and happiness.

That is all I desire to say on the resolution at this time.

The PRESIDING OFFICER (Mr. PEPPER in the chair). The resolution will lie on the table and be printed.

#### POWER OF THE SUPREME COURT.

Mr. OWEN. Mr. President, on Saturday last I submitted some observations with regard to the duty of Congress, in connection with the merchant marine bill, to strike out or amend section 711. Section 711 declares that—

If any provision of this act or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the act and of the application thereof to other persons and circumstances, shall not be affected thereby.

I objected to that form, to that language, to that meaning, because I think that the Congress of the United States is charged with the duty, under the oath of office of Members, to ascertain the constitutionality of an act before passing it.

I will not vote for any bill on this floor which violates the Constitution of the United States in the slightest particular, if I know it, and I think I have sufficient intelligence, when matters are debated carefully and thoroughly in this body, to know when they are violative of the Constitution of the United States.

Gentlemen rose on the other side and thought they made a convincing argument because they said that at some time in the past Congress had passed some act which was held to be unconstitutional, and one case was cited of an act which I thought was obviously unconstitutional. But that argument is of no force whatever, because the people of the United States can hold Congress to account as a matter of policy. I demonstrated beyond the possibility of a doubt in the mind of a man whose brain is sound, who is willing to think, who is willing to examine the record, that Congress has the power, under the Constitution of the United States, to make such exceptions and such regulations on the appellate powers of the Supreme Court as to prevent the Supreme Court from nullifying acts of Congress, or assuming to declare questions of great national policy. The power exists.

The Senator from Minnesota [Mr. KELLOGG] said that he had not time to answer the address which I delivered, so he would content himself with making a protest. I confess he did not answer it. He made a protest, and in his protest he charged me with assaulting the Supreme Court. Because I stand here for the Constitution of the United States, I am to be branded as an enemy of the Supreme Court, a court to which I always pay the highest tribute of praise and respect.

He said that he listened with surprise and regret to an assault made upon the judiciary of the United States. There was no assault made. The Senator had no right to say that. He violated the amenities of debate in saying it. He violated the good order of the Senate in saying it. He has no right to impute to a Senator who has confined himself to legitimate debate that he is making any assault on the Supreme Court. Such a charge is to stigmatize the Senator against whom it is directed.

Let us analyze what the Senator from Minnesota said.

Mr. KING. Will the Senator yield?

Mr. OWEN. I yield to the Senator.

Mr. KING. I did not hear the debate to which the Senator refers, but may we not infer, from the language to which the Senator just called our attention, which came from the Senator from Minnesota, that he rather meant that the attitude of the Senator from Oklahoma was an assault upon the accepted view of lawyers particularly, and the American people generally, namely, that the Supreme Court has the exclusive power to determine the constitutionality of an act, and that the words "assault upon the Supreme Court" meant rather an assault upon the interpretation which has been placed heretofore by lawyers and by the people upon the tripartite division of powers? Does not the Senator think that is what the Senator from Minnesota had in mind, rather than any personal aspersion upon the Senator from Oklahoma?

Mr. OWEN. The Senator from Minnesota is a trained lawyer; he is a highly educated man, and I assume that when a gentleman with his learning and with his training uses language he knows what he is talking about in the use of language, if he does not know what he is talking about in the more important matter which I was discussing; and I think he did not know what he was talking about; in fact, I know that he does not know what he is talking about. The Senator from Minnesota said:

Should we take from the Supreme Court the power to declare a law which was passed in violation of the fundamental law of the land to be unconstitutional, we should place all the liberties of the American people in the hands of one body, and there would be no Constitution of the United States left.

In other words, the people of the United States can not afford to trust the Senate of the United States, the House of Representatives of the United States, the President of the United



States; nor can they afford to trust themselves, forgetting that if Congress makes a mistake the people can correct it by sending new servants here to represent them on the floors of the two Houses.

Such an argument as that is obviously without any force whatever. It ought not to come from the lips of a sophomore in a law school, much less from those of a lawyer who is trained in his profession.

I challenge the Senator from Minnesota to answer the argument I made. He can not answer it and stand before a forum of the American people, or at the bar of men with sound minds and sound judgment, and defend himself in it.

I showed at great length what the powers of Congress were. I showed that those powers had been passed on a number of times by the Supreme Court itself, sustaining the position which I took with regard to the power of Congress. It is not a question of power; it is a question of policy; it is a question of expediency. I can respect the mind of a man who says he thinks it is expedient. I can not have any logical respect for the mind of a man who says the power does not exist, when it is written into the Constitution as plainly as words can write it, when it has been interpreted by the Supreme Court itself in the same way that I have interpreted the language. I challenge the Senator from Minnesota to make an intellectual reply to the argument which I have made as to the power. He can not do it.

I do not care a particle about the instruction to the boys going to the little law schools all over the country, who have been taught a falsehood with regard to the powers of our Constitution. I know where that teaching comes from. I know in whose interest it is framed, and it is not framed for the best interests of this Republic, and I will not stand for it. I challenge the Senator from Minnesota to answer my argument as to the power, and I tell him now before the country and before the Senate that he can not make an intellectual reply to it.

Having said so much, I call attention to another lawyer, a Member of this body, the senior Senator from Idaho [Mr. BORAH], who wrote an article with regard to this question in a way which is of great interest. The Senator from Idaho is willing to compromise on this matter; I am not. Nevertheless, his views are of interest, and he cites many cases, which I did not take the trouble to cite. Without reading, I ask that his article may be inserted in the RECORD in 8-point type.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

(By WILLIAM E. BORAH, United States Senator from Idaho.)

"The five-to-four decisions of our Supreme Court upon great constitutional questions are always a matter of deep regret—regret I suspect upon the part of the court and certainly upon the part of the public generally. These decisions seem to justify a want of respect for the decisions of that great tribunal and seem to breed an atmosphere of distrust in the solidity and worth of our Federal judicial system. They have given rise to more criticism of the court than any other one thing which I am able to recall. When a measure has passed the Congress and received the approval of the President it seems unreasonable that such a measure should be rejected by a decision in which no more than five out of nine judges concur in its unconstitutionality. In the last analysis it comes down to the proposition where one justice has the power to uphold or defeat the law; and in a celebrated case a change of view upon the part of the one judge resulted in holding the law constitutional upon one occasion and unconstitutional upon another. It gives to the whole proceeding an element of chance. Nothing outside of actual misconduct could be more calculated, in my opinion, to detract from the dignity and prestige of the court or more likely to undermine it in the opinion of the American people.

#### LAMENTABLE LACK OF HARMONY.

"A late Federal judge who had seen long service, speaking of these five-to-four decisions, said: 'It is unfortunate that recently there has been a lamentable lack of harmony in the decisions rendered in many important cases, the opinions of five members prevailing over the adverse opinions of four. Judgments so rendered can not command the universal respect which should be accorded to judgments of the highest court in the Nation; and it is worth while for the lawyers of the United States to consider whether a practicable remedy for such discord may not be discovered and recommended to Congress. Where the consequences are of such grave importance, the final determination of the court of last resort ought to be rendered with such an assurance that the right of the matter has been

ascertained and declared, that all fair-minded people may accept the result with good will and without any impairment of confidence in the court.'

"During the last 30 years there have been some forty-odd exceedingly important cases determined in the Supreme Court by decisions of five to four. Not all of them, of course, were cases involving constitutional questions, but some of the most important turned upon the constitutionality of either State or national statutes.

"It may be of interest to recall some of the five-to-four decisions. The first to which I make reference is that of the 'slaughterhouse case (16 Wall.), involving a construction of the thirteenth, fourteenth, and fifteenth amendments. Chief Justice Chase and Justices Field, Bradley, and Swayne earnestly dissented from the decision of the court upholding the State law, claiming that the decision was radically wrong and would be fruitful of great evil.

#### UNDERMINING RESPECT FOR THE COURT.

"In 1895, after five days' argument by the most noted lawyers of the country, there was submitted for the decision of the court the income tax law. The court in the first instance declared the law constitutional. Upon reargument and a change of view upon the part of one justice the law was held unconstitutional by a vote of five to four (157 U. S. 429). The decision aroused discussion throughout the country and more pronounced criticisms of the court were heard than at any time since the Dred Scott decision. The ultimate result was the adoption of an amendment to the Constitution of the United States.

"Next we may recall the decision in the case of *Lochner v. New York* (177 U. S. 145). This was a State law (and if it is deemed wise to legislate upon this subject at all, the proposed measure should be broadened to include the constitutionality of State statutes) known as the '10-hour-day' law. The law was held void by a five-to-four decision. It again aroused a storm of protest, and the greater portion of the criticism went to this specific vice of pronouncing a State law unconstitutional by a bare majority.

"Next came the child-labor law, another five-to-four decision (247 U. S. 277).

"There can be no doubt that these decisions have in a measure undermined the great respect which our people should entertain for the Supreme Court. As said by the Federal judge quoted, judgments so rendered can not command the universal respect which should be accorded to the highest court in the Nation. I entertain no doubt, therefore, as to the wisdom of the policy disclosed in the bill which I have offered. When the law of a sovereign State is called in question or an act of Congress declared to be repugnant to the Constitution, neither the will of the people of the State nor the will of the people of the United States should be thwarted upon a decision rendered by a bare majority of the court, if there is any practicable and orderly way to avoid such result.

"This, of course, is not a new proposition. It is a subject which has had consideration from almost the beginning of our Government and at the hands of some of our most distinguished lawyers and statesmen. In 1823 a resolution was introduced in Congress proposing to require the concurrence of seven judges in any opinion concerning the validity of State or Federal legislation. In 1824 there were several similar proposals. A bill was reported by Martin Van Buren requiring the concurrence of seven judges out of ten and requiring each judge to record a separate opinion. In 1824 a Member from Kentucky introduced a resolution requiring that a certain number should concur before the court should hold a State statute unconstitutional. Henry Clay and Daniel Webster took part in the debate, but neither, so far as I have been able to ascertain, raised any question as to the constitutionality of the proposal. The debate seemed to indicate that both acknowledged the subject to be within the power of Congress and dealt with it solely as a question of policy.

#### AN ISSUE IN 1868.

"In January, 1868, a bill was reported to the House of Representatives and passed requiring two-thirds of the Supreme Court to invalidate a statute. There was an extended debate upon the subject. I do not myself regard this precedent as of very great moment. The bill was confessedly a bill to meet a political exigency, and was designated to protect specific questionable legislation. It was one of the unfortunate incidents of the reconstruction period. There were many things done in those days that, standing alone, I should not regard as of very much moment in the way of precedent. There is any amount of literature on the subject in law journals.



## HAS CONGRESS THE POWER?

"The Constitution of the United States provides: 'In all cases affecting ambassadors, other public ministers and consuls, and those in which a State should be a party, the Supreme Court shall have original jurisdiction. In all other cases before mentioned the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.'

"Has the Congress under this provision of the Constitution the power to prescribe the number of judges which shall concur before a statute shall be declared unconstitutional? From the earliest days of the Republic Congress has determined not only the number of justices but also the number which shall constitute a quorum. The act of 1789 contains such a provision, and that provision is still in the law, providing that six justices shall constitute a quorum. Congress has also provided for the court's adjournment in case of no quorum. It has given to less than a quorum the power to make necessary orders touching a pending case.

"The 'judicial power' of the United States is vested in one Supreme Court and such inferior courts as the Congress may create. That 'judicial power,' it will be readily conceded, can not be invaded by the legislative branch of the Government. But the line which separates the appellate jurisdiction of the court under proper 'regulations' from an unwarranted invasion of the 'judicial power' is not at all times clear and distinct. Is the Congress invading the 'judicial power' when it declares the number of justices required to constitute a quorum? I think not. Is it derogating from the 'judicial power' when it provides by law that less than a quorum shall be authorized to do certain things? It would seem not. Is the power to grant certain writs, as provided by statute, by one justice an invasion of the 'judicial power'?

"In other words, may we not provide under the scope of 'regulations' touching the appellate jurisdiction that before an act of Congress shall be declared void at least seven judges shall concur? It seems to me that we have that power. If we have the power, it is perfectly clear that we should use it. Unless we do make provision of this nature we shall have to meet the situation after it becomes more serious. We have already amended the Constitution once because of a five-to-four decision. There is another amendment now under consideration being urged by reason of a five-to-four decision. It is certainly wiser, if we are authorized by the Constitution to do so, to deal with the subject by statute rather than to be meeting it by constitutional amendments.

"The regret is often expressed in these days that there seems to be growing up in this country a bitter and settled antagonism to our supreme judicial tribunal—not merely criticism of its decisions but antagonism to it as an institution. I do not believe there is any pronounced antagonism upon the part of the people generally—few, very few, comparatively speaking, hold any such feeling. I entertain the belief that American institutions are safe in the keeping and securely imbedded in the respect of the great mass of the American people. The disregard of the fundamental principles of constitutional government during the last few years has been the disregard of those in political place, whose peculiar and sworn duty it is to preserve the great charter rather than that of the people.

"One of the most gratifying things in these days of change and experiments is the really deep-seated and quite general confidence and pride which the great majority of the American people have in our Government. Ninety per cent of the people believe in and respect our form of government, and I venture the opinion that they will be the last to surrender or destroy it. I would rather trust all changes in our Government to a plebiscite of 110,000,000 people than to the unsteady nerves of those in official life who mistake so often organized propaganda for the voice of the people.

"But to these institutions of ours the people generally are wont to apply, and have been told that they should apply, the simple, practical rules of common sense—that it is a Government of the people, by the people, and for the people.

"They would have difficulty in preserving their respect for this Government if they should continue to feel that there is no remedy for a situation wherein statutes and laws may be declared unconstitutional after receiving the approval of the lawmaking body, the Executive department, and four members of the Supreme Court itself. A method more commensurate with reason and the solidity and the worth of our institutions should be devised. While I would not seek to invade the 'judicial power,' I would be pleased to know some way had been devised to throw about the judgments of this court the fullest respect and the highest confidence, both as to their wisdom and their permanency.

"One can not be justly charged with undue national pride when he declares that the Supreme Court of the United States is the most exalted judicial tribunal in the world, not a court beyond the possibility of error, not a court whose opinions are deemed above the reach of fair and honest criticism, but a court which, whether viewed as to the reach and scope and power of its jurisdiction or as to its influence and standing, its ability and learning, its dedication and consecration to the service of mankind, is the greatest tribunal for order and justice yet created among men. If, therefore, the machinery of the court can be geared to a higher plane and greater accuracy, thereby insuring its judgments greater support and approval, that should be our willing task.

## FIVE-TO-FOUR RULINGS.

"Some of the typical five-to-four decisions of the United States Supreme Court have been as follows:

"Northern Securities Co. v. United States (193 U. S. 197), in which stockholders of the Great Northern and Northern Pacific Railway Cos. combined to organize a holding company under the laws of New Jersey, by which the holding corporation held nine-tenths of the stock of the Great Northern and more than three-fourths of the stock of the Northern Pacific. These were competing lines between the Mississippi and the Pacific coast. The court held that under this arrangement the lines ceased to be in active competition for trade and commerce and became a consolidated corporation, an illegal combination in restraint of interstate commerce.

"In a child-labor case (247 U. S. 251), *Hammer v. Dagenhart*, the act prohibited transportation of goods made in factories employing child labor. It was held unconstitutional as exceeding the commerce power of Congress, the necessary effect being a regulation of the hours of labor of children. The majority of the court held this to be a matter solely within the jurisdiction of the States.

"An income-tax decision involved *Pollock v. The Farmers' Loan and Trust Co.* (157 U. S. 429, 1895, and 158 U. S. 601, 1895). The act laid taxes upon rents or incomes derived from real estate or from the interest on municipal bonds. It was held that the tax on income from real estate was a direct tax within the meaning of section 9, Article I, of the Constitution, and that the tax on interest of municipal bonds was a tax on the power of the State, etc., to borrow money, and therefore repugnant to the Constitution.

"Another case was under the workmen's compensation act of October 5, 1917, between the Knickerbocker Ice Co. and Stewart (253 U. S. 149, 1920). The act amended the Judicial Code relating to admiralty jurisdiction by saying 'to claimants the rights and remedies under the workmen's compensation law of any State.' It was held unconstitutional, as an attempt to delegate the powers of Congress under section 8 of Article I and section 2 of Article III of the Constitution.

"The *Lochner* case (177 U. S. 145; Statutes of New York) took up the question of prohibiting bakers to work more than 10 hours a day. The court held that a man had a right to work longer hours if he wanted to do so."

Mr. OWEN. In dealing with the question of policy, the Senator from Minnesota said, "Suppose Congress should pass an unconstitutional act; then what? Are we to allow an unconstitutional act to be passed, and have no place of review?"

There are plenty of ways to review it. The Congress of the United States has not yet come to a point where it refuses a remedy when a man is injured through any act of Congress. If there is a liberal body in the world, it is the Congress of the United States. Our committees are full of claims of all sorts, where citizens have been hurt by the operations of Government. We are giving people remedies day by day, continually. It is an everlasting grinding of the mills giving relief to small men who are hurt by Government operations. The Government is generous and kind. It is not autocratic; it is not monarchical; it is not tyrannical. It deals justly and kindly with its people, and if Congress makes a mistake on some matter of great consequence, there is a forum in this country to give relief, and that is the forum of the people of this country. They will express themselves with regard to whether or not their servants on this floor have discharged their duty with fidelity and with intelligence, and at last, under our Constitution, the sovereign power is vested in the people. That is where the sovereignty is, and that is where it ought to be left. It ought not to be transferred to any commission, or to any court appointed for life, and not responsible to the people for their decisions.

Mr. President, the time has come when I must close. I am compelled to leave the floor.



Mr. WALSH of Montana. Mr. President, before the Senator departs from a consideration of this question, I should like to address his attention to that amendment of the Constitution which provides that no person shall be deprived of life, liberty, or property without due process of law, and I want him to assume an act of the Congress of the United States which does, indeed, deprive one of life without due process of law, or to assume the case of a statute which deprives one of his liberty without due process of law, or, for the matter of that, a statute which deprives one of his property without due process of law. A subsequent Congress, of course, could restore the property or the equivalent, but how can Congress restore to a man his liberty or his life?

Mr. OWEN. Mr. President, the Senator can very easily make suggestions of that kind. I will ask him what remedy I have if, when I am passing across Pennsylvania Avenue, an infuriated taxi driver runs over me and breaks my neck? None. There are cases in which we may suppose irreparable injuries, but that does not justify an interpretation of the Constitution of the United States under which Congress shall abdicate its power to declare its own acts constitutional.

I have spoken of the power, and I invite the Senator from Minnesota, who is here now, to make a reply to the argument which I submitted to-day, and to take the time to study what I have said. I asked him to do that because he can not otherwise make an intellectual reply. I want him to study what I have said, and then answer in the Senate, if he will, and show that Congress has not the power which I say it has.

Now, Mr. President, I am compelled to leave.

Mr. KELLOGG. Will the Senator yield?

Mr. OWEN. I am yielding the floor.

Mr. KELLOGG. I have not heard what the Senator has said, but I will read it, and reply, if it needs any reply, which I very much doubt.

Mr. BROOKHART. Mr. President, on Saturday last I gave notice that to-day I would speak upon the question of the power of the Supreme Court to set aside acts of Congress. Since then the Senate has refused to lay upon the table the motion to proceed to the consideration of the filled milk bill. I believe this is a very important matter to the country and one that should be immediately considered. I therefore wish to state that I shall not at this time discuss the matter in reference to the Congress and the Supreme Court, and I shall speak only briefly in favor of the motion to proceed to the consideration of the filled milk bill.

So far as the question of the ship subsidy bill is concerned I think I have made my position clear heretofore. My position is that it should not be voted upon by this Congress. It is fastening upon the country a policy by contract for 15 years when this Congress will now live less than two weeks. If it is such an important proposition to the people of the whole country, it should be considered by an extra session of the Congress elected largely upon that issue. I therefore feel that it is wrong for a Congress which is dying to fix a future policy of that kind upon the people of the United States.

In that judgment I am supported by the Senate in its vote taken but a few days ago upon the submission of a constitutional amendment providing for changing the date of the convening of Congress. Most of the Senators who are supporting the ship-subsidy measure voted at that time to submit a constitutional amendment to the legislatures of the States which will prevent the situation under which we are now laboring. I call upon those Senators to practice a little bit what they preach. Let us postpone the vote upon the ship subsidy and take up and consider and dispose of important matters which the people of the country are demanding. The question of filled milk is one of them. It is a question of pure food. It is a question of the lives of children. It is a question of advancing our civilization.

I realize that whenever we attempt that sort of thing we always find somebody opposed. There is always some vested interest that is opposed, but nevertheless that is no reason why the Senate or the Congress should halt in carrying out and doing those things. Therefore, I feel keenly that we should proceed to the consideration of the filled milk bill and dispose of it. While I feel just as keenly that it is my duty to do everything I can by preventing a vote or otherwise to block the passage of the ship subsidy bill, I am just as strongly in favor of disposing of these other matters of interest to the whole people of the United States. I am glad to say that the Senate has voted against tabling the motion, and I hope upon a full consideration of the matter they will vote to proceed to consider the filled milk bill and that it will be disposed of in regular order. It certainly will be done without any filibuster or delay

upon my part, as I believe will be the case upon the part of any of those opposed to the ship subsidy measure. I believe any other legislation of immediate importance would receive the same consideration. Therefore, I desire to say that I shall support the motion of the Senator from North Dakota to proceed to the consideration of the filled milk bill.

Mr. KING. Mr. President, before the Senator resumes his seat I would like to ask him a question, if he will yield for that purpose.

Mr. BROOKHART. I yield.

Mr. KING. If he will permit me to make a very brief statement preliminary to it, I shall be very glad. I think his answer to the question which I am about to propound may influence some Senators in their votes upon the proposition to take up the filled-milk measure for consideration.

The Senator is a lawyer and a student of public questions. He knows our Constitution and the dual form of government which prevails. He knows the rights of the States, and under the Constitution he knows they have certain police powers and certain rights which a sovereign State has the right to exercise.

There is a grave feeling upon the part of some who are profoundly in sympathy with the purpose and object of the bill that it is an infringement upon the rights of the States and will be a direct assault upon their police powers, upon the authority of the States to regulate matters which are essentially domestic in character and, under the usually accepted theory of the rights of the States, matters which pertinently and properly belong to the States.

I want to ask the Senator if he interprets the bill in the way that it would, if enacted into law, be a serious or any restriction upon the rights of the States? Does he interpret it as a precedent that might be invoked when assaults may be made upon the States to restrict their power and in the interest of some particular business? To illustrate what I mean, there are some farmers, perhaps, and some people engaged in the dairy business who would like to see the use of cottonseed oil, as an illustration, interdicted as a food product. Let it be used for the making of soap or for any nonedible purpose. Doubtless there are some who would be willing to support a measure that would prevent the use of cottonseed oil or coconut oil in the manufacture of butter or products for use as food.

Does the Senator distinguish this bill from a measure which would have in view the object which I have just indicated? Does the Senator think that the Federal Government has the power to say that skimmed milk shall not be used for food purposes; and if he thinks that they have the power, where does he draw the line as to the authority of the States and the authority of the Federal Government to determine questions which heretofore have generally been conceded at least to be within the province of the States themselves?

Mr. BROOKHART. At this time, of course, I was not discussing the merits of the bill itself. There is no doubt that Congress can not invade the rights of the States even if they wanted to do so. Under the present method of deciding these matters their act would be held unconstitutional if they did so. I am not in favor, as a matter of policy, of invading any of the rights of the States, and if, upon consideration of the bill, it appeared to do that, of course, it should be amended in those particulars. I am interested in it as a matter of policy, of pure food, of protecting especially the lives of the children of the country. Incidentally everybody in every business has a right to know whether a thing is truthful and what it purports to be, and I, of course, stand strongly for that general principle which will make milk milk, and coconuts coconuts.

Mr. STANLEY. Mr. President, will the Senator yield?

Mr. BROOKHART. Certainly.

Mr. STANLEY. The able Senator was on the point of discussing the propriety of legislation limiting the rights and powers of the Supreme Court of the United States to declare unconstitutional or void an act of Congress. In that question I am vitally interested. Without expressing any opinion pro or con as to the merits of the proposed method of curtailing the power of the Supreme Court, there is no doubt in my mind that the framers of the Constitution never contemplated this veto power on the part of the court as now exercised.

Thomas Jefferson would turn over in his grave at the thought of the Supreme Court nullifying an act of Congress upon the grounds which have sometimes justified that court in so doing. This is the only legislative body on earth of which I have any knowledge, in a measure, controlling the destinies of a free and enlightened people where the judiciary exercises that plenary and unprecedented power. It is not in the power of the English courts to set aside an act of Parliament or of the French courts



to set aside an act of the Chamber of Deputies or of the German courts to set aside an act of the Reichstag; or assuming that the Senator is correct and that we are going to say to the Supreme Court, "Hereafter we shall be the judge of the constitutionality of our own acts," if and when we take that position, one of two things must happen: Shall we look simply at the purposes of a pending bill, adopt, as the caustics say, the position that "the end justifies the means," that if the purpose of a bill is laudable, and if the end sought is desirable, then we will not cavil about the means or consider the technical question of its consonance with the Constitution of the United States? Having curtailed the right of the Supreme Court to review its constitutionality, and having failed on our oaths first to ask, Is it within our power to do this thing before we determine whether it is right or wrong, what will become of what is left of the Constitution of the United States if both those things happen?

Mr. BROOKHART. I think both those things never can happen, but, as I have said, I expected to discuss that question to-day. I desire, however, to postpone the discussion of that question in case the filled-milk bill is taken up, so it may be considered upon its merits. Then, more at length, I shall discuss the proposition presented by the Senator from Kentucky.

Mr. STANLEY. Mr. President, I hesitate to take up so much of the Senator's time, but I will say to him, as illustrating this very proposition, elaborately discussed by Mr. Justice Marshall in the great case of Gibbons against Ogden, two things induced the convention called together for the purpose of curing certain defects in the Articles of Confederation in a way to write their own instructions and to depart upon a venture not contemplated by those who sent them as delegates to that convention, for I think it will be universally conceded that when the delegates went to the so-called Constitutional Convention there was no thought in the minds of those who selected them that they would write an instrument new and entirely different, infinitely beyond the old Articles of Confederation in the form and character and power and genius of the Government they created. The two things above all others that induced them to this radical departure were, first, the inability under the Articles of Confederation to levy an effective tax in order to maintain the Government, and the other the utter chaos that would necessarily have resulted by a failure to vest in the Federal Government the regulation of interstate commerce. So that two compelling and convincing reasons for the conduct of the whole convention were to settle the method of taxation and to limit and definitely to define the power of Congress over commerce between the States. An impost duty levied in one State against another meant that the industrial progress of the Nation as a whole was impossible. If there is one power above all others that that convention was inclined to vest in its entirety in Congress, it was the power over interstate commerce.

How far did they go? They gave to the Federal Government and denied to the States control over commerce among the States and with foreign nations, and subsequently in Territories under the control of the Federal Government. Had they attempted to give to the Federal Government control over traffic between two points in the same State, the Constitution would never have been adopted, in my opinion, and should not have been adopted with that sort of provision in it.

I am at this time utterly opposed to an insidious propaganda on the part of the great carriers of the country, with which I am sure the Senator from Iowa is familiar, because he has added much to the literature and to the light upon that subject. I am opposed to taking away from State railroad commissions the control over strictly intrastate commerce, and I think the Senator from Iowa agrees with me on that proposition.

Mr. BROOKHART. I am in the most perfect accord with that idea.

Mr. STANLEY. This bill, as I read it, does that. If it does that, the Senator must concur that it is unconstitutional. The definition of interstate commerce as contained in the bill is not the definition of the Constitution; it is not the definition of the Sherman Act. It is either a reckless and inadvertent or an utterly indefensible method insidiously to extend the power of the Federal Government to commerce in the commodity covered by the bill between two adjoining hamlets not a mile apart.

Mr. BROOKHART. If that be true, as the Senator says, I should say that the bill should be amended at this time. However, again I call the Senator's attention to the fact that it was not my purpose to discuss the merits of the bill, but merely to discuss the question whether we should proceed to its consideration.

Mr. STANLEY. Mr. President, for instance, the bill defines the term "person," and then on the first page of the bill, beginning in line 6, defines interstate commerce as follows:

(b) The term "interstate or foreign commerce" means commerce (1) between any State, Territory, or possession, or the District of Columbia, and any place outside thereof.

There is no particular objection to that. Then this provision follows:

(2) Between points with the same State, Territory, or possession, or within the District of Columbia, but through any place outside thereof.

Whenever we attempt to define the term "interstate commerce" to mean commerce between points within the same State, then we are clearly beyond the province of the Constitution.

Mr. BROOKHART. The provision as read seems to contemplate a movement into some other State and then back into the original State of shipment. That might make a difference. I think, however, the Senator and I would not have any serious quarrel or trouble in regard to that proposition. That is a minor matter, I think, in the bill, and, so far as I am personally concerned, I should not object to an amendment that would entirely clarify its meaning in that respect.

Mr. STANLEY. Mr. President, I will ask the Senator another question. Does the Senator believe—and when the oleomargarine bill was under consideration we had this question under discussion—in a matter of this vital importance, unless we are clearly convinced that the bill is within the purview of the Constitution and that it is properly and carefully drawn, and it is not only designed for a good purpose but is the proper method of attaining a desirable end, that it ought to be taken up for consideration in the closing days of the session?

Mr. BROOKHART. I think that the action of the committee is quite a good guaranty that all matters in connection with the bill have been considered, and therefore I am ready to act upon it. In matters of this kind we will always have to rely to a great extent upon the action of the Members of the Senate, including the committee which considered the measure. Each Senator can not investigate every question in all its details to the very bottom.

Mr. FLETCHER. Mr. President, may I suggest to the Senator that I have before me here what are called Filled Milk Hearings Before the Committee on Agriculture of the House, June 13, July 6, 7, 19, and 20, 1921. So the matter has been before Congress for some time and the hearings are quite extensive.

Mr. BROOKHART. The Senator, of course, is more familiar with that than I. I think we could well enough proceed to the consideration of the bill at this time.

#### THE MERCHANT MARINE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12817) to amend and supplement the merchant marine act, 1920, and for other purposes.

The VICE PRESIDENT. The question is on the motion of the Senator from North Dakota [Mr. LADD] to proceed to the consideration of House bill 8086.

Mr. JONES of Washington and Mr. UNDERWOOD called for the yeas and nays, and they were ordered.

Mr. HARRISON. Mr. President, a parliamentary inquiry. Is the question on the motion to take up the bill?

The VICE PRESIDENT. The question is on the motion to take up the so-called milk bill.

Mr. LADD. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll. The reading clerk called the roll, and the following Senators answered to their names:

|            |                |           |              |
|------------|----------------|-----------|--------------|
| Bayard     | Gerry          | McKellar  | Robinson     |
| Brookhart  | Glass          | McKinley  | Sheppard     |
| Broussard  | Gooding        | McNary    | Smith        |
| Bursum     | Hale           | Moses     | Smoot        |
| Calder     | Harris         | Nelson    | Spencer      |
| Cameron    | Harrison       | New       | Stanfield    |
| Capper     | Heflin         | Nicholson | Stanley      |
| Caraway    | Hitchcock      | Norris    | Sterling     |
| Colt       | Johnson        | Oddie     | Sutherland   |
| Couzens    | Jones, N. Mex. | Overman   | Townsend     |
| Curtis     | Jones, Wash.   | Page      | Trammell     |
| Dial       | Kellogg        | Pepper    | Underwood    |
| Dillingham | King           | Phipps    | Wadsworth    |
| Edge       | Ladd           | Poinexter | Walsh, Mont. |
| Ernst      | La Follette    | Pomerene  | Warren       |
| Fletcher   | Lenroot        | Ransdell  | Watson       |
| George     | Lodge          | Reed, Pa. | Weller       |

The VICE PRESIDENT. Sixty-eight Senators have answered to their names. There is a quorum present.



Mr. HITCHCOCK. Mr. President, I was a good deal surprised, a little earlier in the day, to hear the Senator from Alabama [Mr. UNDERWOOD] state that he was opposed to the defeat of the shipping bill by indirection. I was all the more surprised at this deliberate statement of his because on a rather recent occasion he had led, openly and courageously, a filibuster against a piece of legislation to which he was opposed and to which many of us were opposed. On that occasion he was not content to make his fight upon the legislation in question, but he fought practically everything that came before the Senate, and sought to bring legislative proceedings to a standstill until those who were proposing the legislation to which he objected, and to which the minority objected, should abandon it. He succeeded. The legislation was dropped, although unquestionably a majority of the Senate were in favor of its passage.

I realize that the Senator sought to give an explanation, sought to show wherein he distinguished between the two forms of legislation, sought to show what it was that in his opinion justified a filibuster upon the antilynching bill, whereas, in his opinion, there was no justification for a filibuster against this proposed legislation, the shipping bill; and I shall do him the justice to quote what he said in that regard. He said:

There are certain great principles that may be involved in votes in the Senate where human rights and human liberty and fundamental principles of our Government are at stake when I would not hesitate for a moment to use any legislative power I possess to prevent the passage of a bill.

Frankly speaking, the premises which he assumes were not conceded by a majority of the Senate. It was a mere matter of opinion—his opinion—that great principles of human liberty were at stake on that occasion and that fundamental principles of government were at stake; but conceding that he was correct, conceding that human liberty was at stake and fundamental principles of government were at stake, what shall we say about the question now before the Senate?

The Senate is here as a representative body. We do not rule the country. We only represent the people that rule the country; and the reason why this shipping bill is now brought before Congress and pressed to passage by all the power of the administration is because the administration knows that after the 4th of March, in the next Congress of the United States, its passage is impossible. In other words, it is a direct Executive attempt to convert into legislative action by a Congress which is to die within two weeks a piece of legislation that the next Congress would refuse to enact.

Mr. President, I think a great principle of government is at stake here. What right has the Executive to undertake to force upon the American people legislation which they at the polls last November repudiated? It was before the people.

Mr. LA FOLLETTE. And to perpetuate that legislation for 15 years.

Mr. HITCHCOCK. Yes; as the Senator from Wisconsin says, not only to enact it but by a contractual provision to perpetuate it so that the representatives of the people are not allowed to shake it off when they get into control.

Mr. STANLEY. Mr. President—

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Kentucky?

Mr. HITCHCOCK. I yield to the Senator.

Mr. STANLEY. I may be mistaken, but I have heard a persistent rumor that the President of the United States has stated, and that the chairman of the Commerce Committee has stated, that if this bill is passed in such a way as to give Congress control over the appropriations carried under it similar to its control over those made for the maintenance of the Army and of the Navy and the maintenance of fortifications and the conduct of the Post Office and other departments, the usual appropriations, they will regard the bill as comparatively worthless, and there is talk that the President has threatened to veto it. In other words, unless a discredited measure can be enacted by men who are no longer competent to represent the people further, unless they can use not the power they now have but the power they once had, before the wisdom of the people or of God or of both lessened that power—unless they can use that power, and unless they can bind and gag the next Congress by a provision in this bill so far as undoing their nefarious work is concerned, they are not interested in the bill at all.

Whether that be true or not, I do not know; but if it is true, the insolence of the assertion, the audacity of it, ought to justify any means that God or nature has put in our hands to kill this bill.

Mr. HITCHCOCK. I have heard the same report, and I know not whether it is true or not, and I do not care very much. I say this is an occasion on which a great governmental principle

is at stake. The Senate is not simply to vote "yes" or "no" upon a ship subsidy bill. The Senate is going to say by its vote whether it thinks it is right to fasten on the American people for a number of years in advance, so that a subsequent Congress can not remove it, a piece of legislation that the people at the ballot box repudiated only a few months ago by electing a Congress that is known to be adverse to it.

Mr. FLETCHER. Mr. President, will the Senator yield?

Mr. HITCHCOCK. I yield.

Mr. FLETCHER. In reference to the observation of the Senator from Kentucky [Mr. STANLEY], there is no need to guess at the position of the Executive or the administration with regard to that provision in the bill which provided for annual appropriations, and the proposal of the committee to strike that provision out of the bill as it came from the House, and to insert, in lieu of authorization, permanent appropriations. The President stated to the committee, in a communication to the chairman of the Commerce Committee, and I think it is in the record—nobody has ever questioned it, and there is no secret at all about it—that unless there were provision for the permanent appropriation of the fund, which the committee by amendment limits to \$30,000,000 a year, he would not want the bill at all; so that that is a vital point in connection with the whole measure. Unless Congress is to be bound by a permanent appropriation for 10 years, and probably 15, the bill is not wanted at all. I may suggest this to the Senator, also, if he will allow me just a moment further, with regard to the charge of delay, and some talk about impotency of the Senate, and that sort of thing; the President, when a member of this body, in 1915, joined in filibustering to death the shipping bill at the close of that session.

Mr. HITCHCOCK. Mr. President, we regard filibustering very much in line with our point of view on the question under discussion. I have been reluctant at all times to join in a filibuster, and I think the Senate will bear me out in the statement that I have occupied very little time upon the floor in participating in a filibuster at any time, but if ever there was an occasion when a great fundamental principle of Government justified a minority in restraining a majority by a filibuster, it is at a time when it is notorious that within two weeks the complexion of this representative Government will so change that on the ship subsidy question the majority will be the minority and the minority will be the majority. It is not altogether a party question.

In the House of Representatives, where there is a Republican majority of 150, I think, although I do not know exactly what the majority is, the ship subsidy bill secured a majority of only 24 votes, showing very well that a great section of the Republican Party itself was opposed to the ship subsidy bill. Not only that, but there never has been an election in the United States when the people have put the stamp of their approval upon the ship-subsidy idea, which proposes to take a great sum of money annually from the people of the United States and pay it to a preferred interest.

I feel that I can speak on this matter with unusual freedom. I am a "lame duck." I am not to be in the next Senate; and one reason why I am not to be in the next Senate is that the Republican candidate who ran against me repudiated his administration upon this question, and in order to secure his election had to come out and declare himself opposed to the ship subsidy bill and opposed to the administration headed by the President of the United States, to whom he owed allegiance. So I feel that I am perfectly justified in standing here, as I do, without any interest in the matter, not to be a Member of the next Senate, and saying that in my opinion the question of the passage of this bill at this session involves a great fundamental principle of representative government, and if a filibuster was ever justified it is justified in defense of the principle that we are here in a representative capacity, and it is doing violence to our representative capacity to pass, by a small majority, a bill against which the people have already rendered a negative verdict.

Mr. FLETCHER subsequently said: Mr. President, I wish to make a correction.

I stated in my interruption of the Senator from Nebraska [Mr. HITCHCOCK] that President Harding as a Member of this body had joined in the filibuster against the original shipping bill. I was mistaken as to that. He came into the Senate in March of 1915. That is, he was elected to the Senate in November, 1914. He was, however, opposed to the shipping bill of 1916, as the RECORD will show, spoke against it, and voted against it; but I was in error when I said that he joined in the filibuster on the first shipping bill that was proposed. I wish to correct that in the RECORD, and shall be glad to strike it out of the RECORD.



Mr. WALSH of Montana. Mr. President, there is no question, is there, that the shipping bill of 1915 was defeated by a filibuster on the floor of the Senate?

Mr. FLETCHER. Absolutely none. There is no question about that. I suppose very likely the then-elected Senator was in hearty accord with it, but he did not actually participate in it.

Mr. UNDERWOOD. Mr. President, I do not like to differ with my good friend from Nebraska, for whom I have the highest respect, when I can help it, and we do not differ on many questions; but I think right here we have met a fundamental difference. I think that one of the great issues before the American people, one of the great problems confronting the country to-day, is the question of human rights and human liberties. I think if the freedom of government under which we live now means anything, it means that the guarantees of the Constitution of the United States, as provided by the fathers, should live, and they are being torn down every hour and every day for special interests. The great mass of the American people are having their Government taken away from them because somebody wants something; and I can see a very grave distinction between the mere appropriation and spending of money, bad as the object may be, and a trespass on the fundamental rights of the States of this Union.

I did filibuster the antilynching bill, but not because I stood for lynching. I have always in the open protested against lynching, and I am glad to say that the sentiment against lynching is trespassed against but very seldom in my own State. I think it is an outrage that any man should assume that he can take the authority vested in the law of the land and exercise it himself. But that was not the question involved in that bill. It was whether the Federal Government should enter the States of the Union and exercise a police jurisdiction that has been vested in the States of America from the beginning. If the Congress of the United States continues to trespass upon the liberties, personal rights, and freedom of the people of the several States of this Union, they will build up a sentiment in disregard of law which will shake the whole fabric of our Government.

I only filibustered against that bill because the rules of the Senate allowed me to do so. I did not filibuster behind a screen. I did not attempt to do something concealed from the view of the American people; and when I said that I was opposed to that bill and would filibuster it I announced the fact from my place here in the Senate, and every man in the Senate and every man in the country knew what I was doing. There was no attempt behind closed doors to do something that was not disclosed on the floor of the Senate.

I said in that debate, and I say it again, that I believe a time will be reached when the United States Senate will be discredited by the American people unless it learns how to do business. The country has a right to expect that its chosen representatives will perform the functions which they are elected to perform in a legislative way. I am not responsible for the rules of the Senate. The rule in contention was adopted over a hundred years ago, as well as were most of the others.

Mr. FLETCHER. May I interrupt the Senator at that point just to inquire whether it is not just as much a function of a legislative body to defeat improper and unjustified measures as it is to pass other measures?

Mr. UNDERWOOD. Undoubtedly; if they command a majority of the American people. This is a Government of majorities, not a Government of minorities.

Mr. McKELLAR. Mr. President—

The PRESIDING OFFICER (Mr. REED of Pennsylvania in the chair). Does the Senator from Alabama yield to the Senator from Tennessee?

Mr. UNDERWOOD. I yield.

Mr. McKELLAR. Does not the Senator believe that a majority of the American people are opposed to the ship subsidy bill, as shown at the last election?

Mr. UNDERWOOD. I hope so. I am in thorough accord with the Senator's views against the ship subsidy bill; but it is not the majority in the country that can control legislation; it is the majority on this floor.

Of course, I know that my view of doing business does not meet with the approval of most of my colleagues and never has. I am proud to say, however, that since I have been a Member of the Senate I have had reported to the Senate a resolution which I offered, providing a real cloture rule for this body, and not a sham and a mockery. On a vote in the Senate it came within 7 votes of becoming a rule of the Senate, the closest vote the Senate has ever cast on an attempt to provide a rule under which it could do business.

I am not reflecting on my colleagues; they have a right to their own opinions about these matters, and I know they do not agree with me. In a legislative way I was raised in the other branch of the Congress, where they do business, where a majority can write on the statute books its proposals to the American people, and go to the country for their final verdict. When the Republican Party was in control I accepted the results, and when I had the power of control myself, and my party had announced its program, we proceeded to put our conclusions on the statute books. That is government. That is functioning as a vital Government.

I would not have the Senate adopt a cloture rule in the midst of a party contest, because it would be foolish to ask us to do it, but whenever the time comes in the Senate of the United States when it is devoid of partisan issues and partisan prejudice, as far as I am concerned, I would vote for a rule that would enable the United States Senate to attend to the business of the country.

I do not say this in criticism of the Senator from Nebraska, who thinks he is justified in filibustering this bill to death. I do not intend it at all as a personal criticism. It is merely a point of difference between us. But I see a very grave distinction between a filibuster where the fundamental rights of my State were involved and one where the issue is merely one of appropriating dollars out of the Treasury.

I do not think the shipping bill is any worse in fact or in principle than the tariff bill the Congress passed last summer. I think the tariff bill will cost the American people vastly more money than the shipping bill would cost them, and I think the theory that you may levy taxes for the benefit of special interests is far more derogatory to the great principles of equal rights to every citizen of the United States and special privileges granted to none than anything that is involved in the shipping bill.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. UNDERWOOD. I yield.

Mr. McKELLAR. I want to suggest to the Senator that the difference between the tariff bill and the ship subsidy bill is that next year Congress can repeal the former, whereas, if the ship subsidy bill shall be passed, the power of Congress to repeal the law will be taken out of Congress for a term of years—I believe from 10 to 15 years.

Mr. UNDERWOOD. Mr. President, the Senator from Tennessee is not coming at the question directly; but I want to say to the Senator from Tennessee that, so far as the subsidy bill itself is concerned, as it stands before the Senate to-day, an annual appropriation is required before it can be put into effect. It came from the House in that form. It is true that the Senate committee has proposed an amendment which would enable the contracts to be made for a period of years, but that amendment has not yet been adopted and is not in the bill.

Mr. McKELLAR. Does the Senator doubt that it will be adopted?

Mr. UNDERWOOD. Yes; I doubt it. I do not say that it will not be adopted, but it seems to me if I were running the proposition I would stop long enough to let them vote on that amendment and find out where we stand. No one would foreclose anything by allowing the other side to vote on that proposed amendment. If Senators on this side of the Chamber insist on a filibuster, they could still go on with the filibuster, but why not let the majority determine the issue as to whether the proposed amendment is in the bill or out of it? At present it is out of it.

Mr. HITCHCOCK. Of course that is hardly in harmony with the style the Senator followed when he led the filibuster.

Mr. UNDERWOOD. Oh, that is true.

Mr. HITCHCOCK. He would not let us vote on anything, hardly even on a motion to adjourn.

Mr. UNDERWOOD. That is true, because, as I said, that was an issue where the rights of the great constituency which we represented, the fundamental rights of government, were involved. I say there is nothing involved in the shipping bill but an expenditure of money.

Mr. McKELLAR. The trouble is that there are a lot of us who have a very different view about it. There are some of us who think this is just as important as the other bill, perhaps, on a question of principle.

Mr. UNDERWOOD. I hope my friend from Tennessee will not think I am criticizing him.

Mr. McKELLAR. Oh, I do not.

Mr. UNDERWOOD. I know that the Senator from Tennessee differs with me in what I am expressing, but has the Sen-



ator from Tennessee any objection to my expressing my own view in the Record?

Mr. McKELLAR. None whatever.

Mr. UNDERWOOD. That is all I am trying to do. It is not with any intention on my part to criticize the Senator's position.

Now, Mr. President, I will come back to where I left off when I was interrupted. I said that I believe that the fundamental principles in the tariff law were more detrimental to the American people than anything that is in the shipping bill. I believe it is more so now than it was a decade ago, because it was then only a question as to whether we would play favorites to special interests. Now, it is a question of closing our doors to foreign shippers, preventing from coming into the country the only means of payment for agricultural products which we ship to Europe.

I believe the principles that are involved in the tariff law go to the very prosperity and future industrial life of the American people. We can estimate with our pens how many dollars may be thrown away as a result of the passage of the shipping bill, but no man can estimate the disaster or danger, measured in dollars, that may come from the tariff law. And yet when Senators on this side of the Chamber consented last September that the majority party might come to a vote on the tariff bill, there were 1,500 amendments undisposed of that were passed en bloc. My colleagues on this side of the Chamber, if they had desired to do so, could have had the tariff bill on the floor of the Senate to-day. It would not have been a wise thing to do.

This is a government of majorities. The people of the country send their representatives to the House and to the Senate. The majority have a right to rule so long as they are not invading the Constitution of the United States and the fundamental principles of our Government that have come down to us from the fathers. No man on the floor of the Senate is more opposed to the methods involved in the shipping bill than I am, and yet there is no man on the floor of the Senate who is more in favor of upbuilding a merchant marine in this country than I am. More than a decade ago I made a legislative proposal and it became the law. I shall not go into the details of why it was defeated, but it was not defeated by the American people. I realize that one of the greatest disasters that happened to the people I represent occurred in 1914, when that great agricultural crop, cotton, fell from 14 cents to 5 cents a pound for no reason in the world except that there were no ships to carry the exportable portion of the crop to the ultimate market of consumption.

I do not think the pending shipping bill will accomplish the expected result. I think it is wrong in principle. I am entirely opposed to it, but I believe that the country must be governed by responsible majorities.

Mr. CARAWAY. Mr. President, may I interrupt the Senator?

Mr. UNDERWOOD. Certainly.

Mr. CARAWAY. I want to say just a word of explanation, that I perfectly agree with the Senator in that I am willing the majority should have a vote. But this is a party Government, as the Senator calls it. The Senator is the leader of the minority. He rises in his place and prefaces his statement by saying "The doctrine I am announcing is not agreed to here by my colleagues." I wonder if that same rule of majority then would not restrain the leader of the minority from announcing a principle against which a great majority of his colleagues were opposed?

Mr. UNDERWOOD. I will say to my friend that I think that is a very just criticism, a very fair one, and I shall answer it in the same spirit in which the Senator asked it. I did not regard the question of the filled milk bill this morning as a party question.

Mr. CARAWAY. I did not have that in mind. I thought the Senator was talking about the shipping bill, and that is the measure which I said I was perfectly willing the majority should vote on. I had thought and at one time expressed the hope that the majority would let those who are to continue in the majority express their view and not insist that those who are hoping for favors that do not come from the people direct should determine the policies of the country. They do not seem willing to accept that view, because they know that the majority of those who are to be in the Sixty-eighth Congress are against the bill. However, that has nothing to do with it. I was merely showing that they will not take the responsibility. I am willing they should take it.

Mr. UNDERWOOD. I thank the Senator and I agree with him. Of course, we have not come to a vote, but I have talked to my colleagues about the shipping bill. I think I have spoken to every Senator on this side of the Chamber about it. So far as I know, the votes on this side of the Chamber will be absolutely against the shipping bill, except two. We have 37 votes in the Senate, and 35 will be against the bill. I have also talked to my colleagues, and I am satisfied after talking with them

that a majority of the Democratic Senators feel that after proper debate the majority have a right to cast their votes and express their views. The opposition to that course on this side of the Chamber, if I am to judge from what I have heard from my brother Senators, comes from a minority on the Democratic side.

Mr. CARAWAY. May I interrupt the Senator again to say that I certainly misunderstood the Senator a moment ago? I thought he said he realized the views he was expressing were in opposition to those of a majority of his colleagues.

Mr. UNDERWOOD. I was merely speaking of the vote I cast this morning on the filled milk bill proposition.

Mr. CARAWAY. Oh, everybody had forgotten that, because the filled milk bill was just one of these talking bills.

Mr. UNDERWOOD. I will say to my friends on this side of the Chamber that the only reason why I have said anything in this connection was that I found myself in a very embarrassing position, but many times we all vote without knowing much about the legislation. Some of it comes from some other committee than those with which we are directly connected, and somebody else knows about it, and I follow my side under circumstances of that kind. But ever since I have been in public life, when I have had a conviction of my own on a legislative subject, I have expressed it, whether I stood with the united column or stood alone, and I do not know how to do business otherwise.

The only reason why I became involved in this debate at all—

Mr. CARAWAY. May I interrupt the Senator again? The Senator realizes that if each individual would take that view party government would be at an end.

Mr. UNDERWOOD. Oh, undoubtedly.

Mr. CARAWAY. And yet I thought the Senator said this was a party government?

Mr. UNDERWOOD. Yes. Of course, I was speaking about the filled milk bill. If the Democratic Party in the United States would ever meet in caucus and not in conference and would let the united wisdom of the party determine the questions, I would do then as I have always done—accept the conclusions of the majority. I think that is the way to do business, and that is the way I was educated to do business in the House of Representatives. But that is not what we do in the Senate.

I think that the practical thing to do in the condition which now confronts us is not to filibuster the shipping bill to death but let this important amendment as to how long the bill shall be operative come to a vote in the Senate and come to that vote now. When that amendment is voted on the question may be settled. The difficulty in the situation is that we have on the calendar many important bills, some good and some bad. They are entitled to be disposed of. But everything must go down under the rules of the Senate because there is one particular bill that is objected to.

The only reason why I have become involved in the debate was that on the vote on the filled milk bill this morning I felt that it was necessary for me to explain my vote and let the Record show why I voted to lay that bill on the table. That was not a party question. That would have been the end of it so far as I was concerned, until my friend from Nebraska criticized my course, to which I am not objecting at all. It was perfectly legitimate for the Senator to do it, and it was equally perfectly legitimate for me to make a reply.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. UNDERWOOD. Yes.

Mr. CARAWAY. I wonder if there is not a little inconsistency in saying that the Senate ought to do business and then for the Senator to vote to table a bill without discussion?

Mr. UNDERWOOD. No.

Mr. CARAWAY. I do not see how we can consider legislation by tabling a measure without having it read.

Mr. UNDERWOOD. Of course, my friend from Arkansas, who is a splendid Senator, one of the best debaters in the Senate and an excellent parliamentarian, is simply overlooking the fact that these parliamentary motions have come down with the wisdom of ages. There is nothing new in them; there is nothing wrong about them. There are times which come in a parliamentary body, when it is moving toward a conclusion, and the delays caused by those who are fighting on the outskirts and harassing the column become so troublesome that there must be some parliamentary way out. Therefore parliamentary bodies, long before this Nation was born, adopted the course of laying on the table those things which were in the way of the direct issue; and that determined where the direct issue was. Of course, this morning the determination was adverse,



but there was no way of ascertaining that until the vote was cast. It was sidetracking something that was in the way of the direct issue. Of course, so far as my vote was concerned, I was merely opposed, as I always have been opposed in principle—

Mr. CARAWAY. Mr. President, let me ask the Senator just one more question. If a motion shall be made to lay upon the table the ship subsidy bill will the Senator vote for it?

Mr. UNDERWOOD. Undoubtedly.

Mr. CARAWAY. Evidently, then, that is no way to legislate. We do not get any real intelligent consideration of the shipping bill by tabling it, do we?

Mr. UNDERWOOD. Of course, I think the shipping bill has been debated fully and freely, and I am opposed to it, and laying the bill on the table would be a way of finally disposing of it and allowing the Senate to attend to the remainder of its business. If the Senator from Arkansas, when the opportune time comes, desires to make the motion to lay the shipping bill on the table, he will undoubtedly receive my vote most cheerfully.

Mr. CARAWAY. But, Mr. President, I am still curious to know how that would be an intelligent disposition of an important piece of legislation. The motion prevents debate; it prevents the offering of amendments; it prevents reading of the bill or any consideration. If agreed to, it would simply set it aside, but it would not dispose of it. I thought the Senator from Alabama was arguing for an intelligent disposition of the bill.

Mr. UNDERWOOD. Undoubtedly; and I think if we could command a majority to lay the shipping bill on the table after months of debate it would be a very intelligent disposition of it. That is my view point. I do not favor motions to lay on the table when Senators have not had an opportunity to express their views, but in this case, as a rule, they have had that opportunity. I, therefore, think it would be proper to move to lay a bill on the table when the vote is going to raise the question, as it did this morning, as to the right of way between two bills.

I have gone into this question further than I intended to, but I wanted the Record to disclose my viewpoint of the matter. I respect the opinion of the Senator from Nebraska; I am not falling out with it; he has got just as much right to his opinion as I have to mine, and I think his criticism was very proper if he thought that I had erred.

Mr. HITCHCOCK. Mr. President, I think the Senator from Alabama has misconstrued what I said. My remarks were not by way of criticizing his attitude on the motion to lay upon the table. My remarks were in defense of the present filibuster, if there be a filibuster, and I thought the Senator was really criticizing the attitude of those who are filibustering against the pending bill. I took his remarks to be a criticism of our attitude.

Mr. UNDERWOOD. I wish to assure the Senator from Nebraska they were not a criticism, because that would be personal, but there was a difference in the viewpoint.

What I say is when we come to purely economic questions—and, of course, all economic questions have behind them some principle, because the mere taking the money out of the Treasury involves a principle—when we come to questions that do not involve fundamental principles of government, I say in the last analysis the majority must govern.

Mr. HITCHCOCK. There the Senator is drawing a comparison between the merits of the shipping bill and the merits of the other proposed legislation. I am not talking about the merits of the shipping bill. I am talking about the right of the American people to have their wishes which they expressed at the ballot box carried out; that is the issue in this case. It is not the fact that we are opposed to the shipping bill which justifies the filibuster. The thing which justifies the filibuster is that the Executive is trying to force through this Congress legislation which the people repudiated last November, and that involves the integrity of representative government. If we can enact legislation which the people have already repudiated at the ballot box, then we are doing violence to one of the principles which involve the very foundation of representative government.

Mr. UNDERWOOD. I hope the Senator is right that the members of the next Congress do not believe in this class of legislation. So far as I am concerned, I have not polled that Congress and I do not know. It will still be Republican in both branches of Congress. I wish it were Democratic, and then I should know; but as to whether there will be enough Republicans in the next Congress who will join with the Democrats against this class of legislation I do not know. That is not the issue; that is not the thing in which I am interested; and it is not this bill. I think if the Senators on the other side of the

Chamber make a fundamental proposal and it works out all right, it is for the good of the country; and if it works out all wrong, and they have made a mistake, the country will hold them responsible, and it will be a liability instead of an asset for them.

Mr. McKELLAR. Mr. President, if the Senator will yield there, if that principle of legislation should be adopted, why the necessity of any members of the minority party being here at all? Why not just turn over all the responsibility to the majority and let them pass such legislation as they desire?

Mr. UNDERWOOD. I am afraid my friend from Tennessee has not thought out that proposition. This morning the majority party had a proposal pending, but what was supposed to be a minority turned out to be the majority. If the question of majority were determined in advance, what the Senator says might be true, but the Senator from Tennessee overlooks a very useful function that is always performed by the minority.

Mr. McKELLAR. If the Senator will permit me again, he made the illustration; he pointed to the other side of the Chamber, which means the Republican side of the Chamber.

Mr. UNDERWOOD. Of course, the Republican side of the Chamber has the shipping bill before the Senate, but there were enough Republicans converted to a different policy, this morning at least, to carry a preliminary vote to lay their measure aside. The minority has a very useful function to perform in a legislative body, even if it does not carry its view. It has the right of criticism; it has the right of presenting to the country the errors that it believes the majority party has made; and it is a great salvation to the country and to the people that a critic does stand here.

Mr. McKELLAR. I agree entirely with the Senator about that.

Mr. UNDERWOOD. Certainly.

Mr. McKELLAR. But I was just telling him where, in my judgment, his argument would lead.

Mr. UNDERWOOD. I respect the position of my friend from Tennessee, and I know always he is earnest in his viewpoint. I am not saying this in opposition to him. I started out a moment ago merely to say what my viewpoint was, and I have gone further into the question than I intended to go. The only reason I said anything further about the matter was that my friend from Nebraska referred to my position this morning, and I felt I had better state what my position was in the Record.

Mr. WALSH of Montana. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Montana?

Mr. UNDERWOOD. I yield.

Mr. WALSH of Montana. I am quite in accord with the views expressed by the Senator from Alabama concerning the right of the people of the United States to expect that the Senate is going to do business, and I am in entire accord with the desire expressed by him that the rules of the Senate might be amended so that after a subject is legitimately debated a vote might be forced; in fact, I have argued in favor of that principle ever since I came here. But I am a little afraid that the remarks of the Senator now will be interpreted to mean that those of us who choose to vote for the pending motion are engaged in a filibuster.

Mr. UNDERWOOD. Oh, no.

Mr. WALSH of Montana. Does the Senator regard the motion of the Senator from Montana as a part of a filibuster against the shipping bill?

Mr. UNDERWOOD. No; I do not. I think the Senator from North Dakota [Mr. LADD] is perfectly honest in his proposal. He has made a motion with respect to a bill in which he believes.

Mr. WALSH of Montana. That is the point.

Mr. UNDERWOOD. The Senator from North Dakota is a man whom we all respect and we know that always he works by direct methods. He has proposed this bill because he believes it is right; I have no doubt of that whatever, but I differ with him. That, however, was not the issue. My friend from Nebraska criticized me for saying something about a filibuster, and he justified the filibuster; so that it was a question between the Senator from Nebraska and myself. I am not saying this in criticism of Members of this side of the Chamber. Many of them may believe that the filled milk bill is a very good bill and that it is a better bill than the shipping bill. If they do, they ought to vote to take it up. Of course, I believe both bills are bad.

Mr. WALSH of Montana. But I was afraid that the remarks of the Senator would give color to the suggestion that those of



us who choose to vote to take up the bill proposed by the Senator from North Dakota would be participating in a filibuster against the shipping bill.

Mr. UNDERWOOD. Not at all.

Mr. WALSH of Montana. Our vote in favor of taking up the bill of the Senator from North Dakota will be, first, because we believe we are in favor of the bill, and, in the second place, because we do not think it so evil as the shipping bill.

Mr. UNDERWOOD. Undoubtedly.

Mr. WALSH of Montana. Now, I assume that those, including the Senator from Alabama, if he votes that way, who will vote against taking up the bill proposed by the Senator from North Dakota will deem the passage of the shipping bill less of a public calamity than the passage of the filled milk bill.

Mr. UNDERWOOD. I can not say that I would go that far; but I will tell the Senator candidly what I think. I think that the amendment to the shipping bill which provides for a limitation of the expenditures under it to one year, thus leaving the question in the power of Congress, ought to be voted on before anything else is done. If that amendment should be adopted, as I think it properly may be, there is no great danger in this bill to the American people that can not be avoided in any Congress; and I should like to see the shipping bill go that far, because I know that if the filled milk bill, to which I am opposed, is taken up to-morrow it will be passed, and then there will be some other bill, and then we will continue this filibuster until the 4th of March—that is, we will continue this fight—I will not call it a filibuster.

Mr. WALSH of Montana. The Senator means that we would continue to take up bills that we think more important than the shipping bill?

Mr. UNDERWOOD. Certainly; but we will not do business. Now, Mr. President—

Mr. McKELLAR. Mr. President—

Mr. UNDERWOOD. I will ask the Senator to allow me to answer the Senator from Montana. In what I said awhile ago to the Senator I think I am correct. Thirty-five out of the thirty-seven Democrats on this floor are opposed to the shipping bill in their hearts. They believe it is a bad bill; but a majority of Members on this side, as I said awhile ago, do not believe that the bill ought to be filibustered—and I think the Senator from Montana agrees with me about that—but that, after a reasonable date, it is entitled to be voted on.

Mr. WALSH of Montana. The Senator states my position exactly, but at the same time I am in favor of taking up some other measures.

Mr. UNDERWOOD. Of course I realize that, and I am not critical of that position and have not been at all. I am taking more of the time of the Senate now than I intended to take; but I happened to be voting pretty nearly by myself awhile ago—there were one or two friends on this side with me—and I thought I was justified in putting into the Record a few remarks to explain why I voted as I did on a bill that neither I nor anybody else regard as a partisan measure.

Mr. DIAL. Mr. President, when the motion to table the filled milk bill was called up I was pretty busily engaged at my lunch, and came up, and was told that it was a preliminary fight between the filled milk bill and the shipping bill, so I voted without thinking or caring very much about it.

I was reminded of a remark that was made by a hard-shell Baptist preacher in my State many years ago. Some 35 years ago there was a good deal of antipathy in the country against lawyers running for office. In my county there were two lawyer candidates for the State senate. A hard-shell Baptist preacher went to the booth, picked up a ballot, looked at it, saw these two names on it, marked across both, and wrote at the bottom: "Neither one fits."

Mr. CARAWAY. Mr. President, does the Senator think he was right about it?

Mr. DIAL. Perhaps so, but I doubt it. So, Mr. President, I did not see any choice between these two bills, and I voted and returned to my lunch.

So far as filibustering is concerned, Mr. President, I think probably the best thing Congress could do would be to wind up some matters of importance and adjourn without passing the shipping bill, the filled milk bill, or any other of these abominations that we have on the calendar here. I think it would do the country a great service.

Mr. President, I do not know how the Senate is going to vote on taking up the filled milk bill; but, to my mind, there is about as little excuse for that kind of legislation as there can possibly be. It seems to me that the Congress has lost its sense of proportion, and that we are dabbling in all kinds of affairs to discourage business, to increase officials, to multiply expenses,

and to put burdens upon the people of this country. I was informed that this bill was on the wrong lines, and I took a little time to look into it. It is unconstitutional. It is simply a fight between some big milk concerns and undertakes to outlaw some legal enterprises.

Anyone who reads the bill itself can see that there is no necessity whatever for it. Then if he will read the statement of the author of the bill, on page 5 of the hearings, he will see that there is no fraud practiced. The compounds are not labeled "milk" but they are called by different names, and the contents of those compounds are perfectly healthful and nutritious, and there is no occasion for passing this bill. The pure food law covers everything that is necessary along this line. This makes a cheaper compound than regular milk preparations for the use of poor people who want to use it, and there is no deception whatever about it. The packages are not marked "milk." They are marked "Hebe" and "Nutro" and different names.

Mr. President, under this bill it is intended to arrest citizens of this country, try them in court, and impose on them a fine of \$1,000, I believe, for endeavoring to make a perfectly legitimate compound to be sold to the people of this country. If it were sold under some deceptive name or a misleading label, then there would be some excuse for it; but these people do not do that at all. They simply make a compound that can be sold cheaper than milk.

People come here and talk about passing laws for the protection of the health of babies and ignorant people. That argument has been worn threadbare. They say that some of these compounds are not good for infants. I do not suppose beef-steak is good for an infant. Many other things are not good for it until it gets to the proper age to digest them; and if Senators will go to the trouble to read the statement of the author of the bill in the House they will see that he says there is no deception, that the label on this product does not mislead, but, for fear that ignorant people will buy it when they ought to buy something else, he thinks this bill ought to pass. There is no virtue in an argument of that sort, and no logic in it.

I was very much impressed with the various telegrams received by the Senator from Illinois [Mr. McKINLEY], which will be found, beginning on page 62 of the hearings. I will read just a few of those telegrams. As I said before, this seems to be a fight between different manufacturers, and it is not the part of a legislature to take sides in such a matter. We should legislate on general principles.

The first telegram, on page 62, is as follows:

CHAUTAUQUA, N. Y., July 1, 1922.

Senator WM. McKINLEY,  
Senate Chamber, Washington, D. C.:

The manufacture of milk compounds assures the conservation for human consumption of millions of pounds of skimmed milk used for feeding animals or thrown away. Adroit appeals to the mother love of women in an effort to secure their support of the Voigt bill should be discontinued.

KATE WOOD RAY,

Chicago, Member Women's Allied Drug Club.

This lady says that this skimmed milk is either fed to animals or thrown away, and yet these people manufacture it and put it in shape to be sold more economically than some other compounds of milk, and it is truly labeled. I am, of course, against fraud in any form, but this does not undertake to perpetrate a fraud. In fact, it refutes any idea of perpetrating a fraud upon the people.

The next telegram is as follows:

CHAUTAUQUA, N. Y., June 30, 1922—5.20 p. m.

Senator McKINLEY,  
Senate Chamber, Washington, D. C.:

The trade war against skim-milk compounds has been carried into Congress. I object to such legislation as will permit our Representatives at Washington to be used in furthering such a war; therefore I ask that you use your influence to defeat the Voigt bill.

Mrs. JOHN MILLOX, Elmhurst, Ill.

The next telegram reads:

CHAUTAUQUA, N. Y., June 30, 1922—3.23 p. m.

Senator WM. McKINLEY,  
Senate Chamber, Washington, D. C.:

The Voigt bill is an unwarranted interference with business, and if enacted into law would deprive hundreds of families of a nutritious, wholesome, and economical food product.

GRACE VIALI GRAY,

President University of Chicago Cooperative Nursery.

Another telegram:

CHAUTAUQUA, N. Y., June 30, 1922.

Senator McKINLEY,  
Senate Chamber, Washington, D. C.:

As a home economic teacher I am opposed to the Voigt bill. A vote for the Voigt bill is a vote against the home. It would drive from the market a wholesome and nutritious food and deprive housewives of an excellent cooking medium.

RHODA VIALI, Manteno, Ill.



Mr. President, I presume the women of this country know about as well what is good to cook as these advocates who come here and try to outlaw this product—people who have a selfish purpose to serve.

On page 63 there is another telegram from Chautauqua, N. Y.:

CHAUTAUQUA, N. Y., June 30, 1922.  
 Senator MCKINLEY,  
*Senate Chamber, Washington, D. C.:*  
 Bakers and candy makers can buy skimmed milk, so why deprive the housewife of the use of this economical and valuable food? Skimmed milk with vegetable fat has the approval of health authorities. The Voigt bill would legislate these preparations off the markets. Defeat the Voigt bill.

Mrs. OLTO HEPER, Elmhurst, Ill.

Another telegram from Chicago, Ill.:

CHICAGO, ILL., July 3, 1922.  
 Hon. WM. MCKINLEY,  
*Senate Chamber, Washington, D. C.:*  
 After a meeting here to-day in which the Voigt bill was discussed I am convinced that this legislation is inspired by wholly selfish motives and should not be permitted to become a law. As my Senator I urge you to use your influence for its defeat.

Mrs. THERESA BURCHY, Chicago.

Mr. President, there are various other telegrams here which I ask to have inserted in the RECORD as a part of my remarks, without reading.

The PRESIDING OFFICER (Mr. ODDIE in the chair). Without objection, it is so ordered.

The telegrams are as follows:

CHAUTAUQUA, N. Y., June 30, 1922.  
 Senator MCKINLEY,  
*Senate Chamber, Washington, D. C.:*  
 I am opposed to the Voigt bill, because I believe it to be a trick to eliminate competition. Scientific and medical men of highest repute have stated such foods to be wholesome and nutritious and an important addition to the food supply of the United States. Housewives are vitally interested in any wholesome food product that tends to lower the cost of living. As my representative I urge you to defeat the Voigt bill.

MARION H. BIEL,  
*Legislative Chairman Chicago Federation Woman's Club.*

CHAUTAUQUA, N. Y., July 1, 1922.

Senator MCKINLEY,  
*Senate Chamber, Washington, D. C.:*  
 With the trade war so plainly evident behind the Voigt bill public health has nothing to do, but when they use public health as a smoke screen it should be repudiated. An edible fat added to skimmed milk and properly labeled is an economical addition to our food supply and not deleterious to health.

EVA M. WILSON,  
*Chairman Public Health Illinois Federation of Women's Clubs.*

CHICAGO, ILL., July 3, 1922.

Hon. WM. MCKINLEY,  
*Senate Chamber, Washington, D. C.:*  
 Knowing you desire in legislative matters to get the angle of the people back home, I wish to enter my protest against the passage of the Voigt bill. Economy in the household demands a place on the market for the milk compounds.

Mrs. BLANCH R. TAYBS, Chicago, Ill.

CHAUTAUQUA, N. Y., June 30, 1922.

Senator MEDILL MCCORMICK,  
*Senate Chamber, Washington, D. C.:*  
 The passage of the Voigt bill would establish a far-reaching and insidious precedent that would interfere with business and be to the disadvantage of the home maker. As one of your constituents, devoted to assisting the housewife in solving her problems in selection of foods and expenditure of income, I respectfully urge you to vote against the Voigt bill.

JEAN PRESCOTT ADAMS,  
*Delegate, National Convention General Federation of Women's Clubs.*

CHICAGO, ILL., July 5, 1922.

Senator WILLIAM MCKINLEY,  
*Senate Chamber, Washington, D. C.:*  
 Chicago housewives favor milk compound for cooking and baking. Would consider it a calamity to have this economical product debarred from trade by passage of Voigt filled milk bill. Urge you report it unfavorably and use your influence for its defeat.

DORA EARLE, Chicago, Ill.

CHICAGO, ILL., July 3, 1922.

Hon. WM. MCKINLEY,  
*Senate Chamber, Washington, D. C.:*  
 In the interests of the poor we should not force legislation which would debar from the market economical foods like milk compounds which are not injurious to health. Therefore I ask you to use your influence to defeat the Voigt bill.

MINNIE STARR GOODWIN,  
*Past President Illinois Federation of Women's Clubs.*

CHAUTAUQUA, N. Y., June 30, 1922.

Senator MEDILL MCCORMICK,  
*Senate Chamber, Washington, D. C.:*  
 Present legislation against milk compounds is without justification from public health standpoint. I urge you to vote against the Voigt bill.

EVA M. WILSON,  
*Chairman Public Health, Illinois Federation of Women's Clubs.*

CHAUTAUQUA, N. Y., June 30, 1922.

Senator MEDILL MCCORMICK,  
*Senate Chamber, Washington, D. C.:*  
 The combination of skim milk and vegetable fat can be put upon the market at a much lower cost than can whole milk properly labeled. It is a useful and highly nutritious food. I am opposed to the present trade war which would legislate such combinations off the market. For these reasons I ask you as my representative at Washington to oppose the Voigt bill.

Mrs. JOHN MILLOY, Elmhurst, Ill.

CHAUTAUQUA, N. Y., June 30, 1922.

Senator MEDILL MCCORMICK,  
*Senate Chamber, Washington, D. C.:*  
 I am opposed to the Voigt bill. If the interests back of the Voigt bill are truly concerned about the health of infants why not substitute a bill making it a penal offense for anyone to manufacture anything that would be deleterious to the health of infants and children and not try to eliminate competition by hiding behind the guise of public health?  
 MARION H. BIEL,  
*Legislative Chairman Chicago Federation Woman's Clubs.*

CHAUTAUQUA, N. Y., June 30, 1922.

Senator MCCORMICK,  
*Senate Chamber, Washington, D. C.:*  
 Milk compounds have never been proved and never can be proved deleterious to health, so I urge you to use all the influence possible to defeat the Voigt bill. It is an interference with business that should not be tolerated.

RHODA VIALI,  
*Home Economics Teachers, Manteno, Ill.*

CHAUTAUQUA, N. Y., June 30, 1922.

Senator MEDILL MCCORMICK,  
*Senate Chamber, Washington, D. C.:*  
 Urge defeat of Voigt bill. Am convinced its proponents are actuated by purely selfish motives. The elimination of competition pseudo and not real philanthropy is behind their contention that skimmed-milk compounds are fed to babies and constitutes a menace to health; no cases substantiate this claim.

KATE WOOD RAY,  
*Chicago Member Women's Allied Drug Club.*

CHAUTAUQUA, N. Y., July 1, 1922.

Senator MEDILL MCCORMICK,  
*Washington, D. C.:*  
 Skim milk with vegetable fat put upon the market in properly labeled containers has the approval of our home economics people and of the best medical authorities. The Voigt bill would legislate these products off the market; therefore I urge you to use your influence to defeat it.

Mrs. OTTO HEPER, Elmhurst, Ill.

CHAUTAUQUA, N. Y., July 1, 1922.

Senator MEDILL MCCORMICK,  
*Senate Chamber, Washington, D. C.:*  
 The waste of wholesome, nutritious food material is economically unsound and keeps the cost of living higher than necessary. As Voigt bill is aimed at an industry which conserves over a million pounds of skimmed milk a year, I urge you as my Representative to work actively against it.

LEONA A. KRAIG,  
*Member Illinois Women's Athletic Club.*

Mr. DIAL. Mr. President, I notice that a great many of these telegrams, perhaps all of them, are from ladies, and they speak in about the same terms as the telegrams that I have already read. It was surprising to me to see the great unanimity of opinion of these ladies.

Then, Mr. President, on page 72 of the hearings, I find a statement from Doctor Goehle, of Cleveland:

Senator MCKINLEY—

Who was the chairman of the subcommittee—

Will you give your name to the reporter?  
 Doctor GOEHLE. O. L. Goehle. Mr. Chairman, I am attendant at the Cleveland City Hospital and the Lakewood Hospital and the St. Johns Hospital, and I am also attending director of the Lakewood Dispensary, and these positions give me ample opportunity to have many feeding cases under my charge. I have for the last seven and one-half years been using S. M. A. five years with Doctor Gerstenberger at the Babies' Dispensary and then two and one-half years since it has been put out for public use in Cleveland—in other words, two and one-half years in private practice and also at the dispensaries where I am officiating.

I have used it for children, infants, premature infants, even from the first day, and I have used it over long periods, a good many times longer than 10 months and quite often as long as a year. So I have been able to watch the growth and development of these children under this food, and there are, I think, all told about 700 children that I have fed it to, and within the last two and one-half years I think I have had about 500 private children and about 120 of those are on my list right now. These children stand out among other children on artificial foods as especially finely developed, sturdy, well-fed children, coming close to and in a good many instances, I believe, equaling breast-fed children.

Their average of weight progress is well above the normal; their skin is soft and smooth, the tissues are firm, muscles are well developed, and their bony framework is particularly fine. I do not know of any children that have any better teeth than they, and I have been able to follow those children two or three years later, and I do not find any evidence of early decay, so that all in all the effect has been very gratifying from the medical point of view. And judging from the demand as it is made by my mothers who have either seen other mothers' babies on S. M. A. or who have had one or two children in their family on other foodstuffs, and have had one youngster on S. M. A.



and who then have a new body come in, they are very much impressed with the results obtained with S. M. A.

They come in and make the demand for S. M. A. for two reasons, either because they want a baby as good as Mrs. So-and-so's, or because they wish this baby to be as good as the S. M. A. baby they have had. And then one of the biggest reasons is that they know they can not get it except on a doctor's prescription.

I have had no deleterious effects at all in the many cases I have seen, and absolutely no rickets, and this very dreaded condition which grows panic in the mother's heart, this tendency toward convulsions that so many children get on artificial feedings—I have not met this in these children I have fed S. M. A.

From the point of view of infant feeding I think it is really a God-send. It is foolproof against the attempts of mothers to meddle with the food. The universally general result has been excellent.

Mr. President, that is what a physician in charge of a hospital has to say on the subject. So it does seem to me that Congress is drifting around and going very far to hunt up subjects on which to legislate.

It will not be long before the citizens of this country will not know which way to turn. Congress will prescribe what they shall eat, what they shall wear, how they shall become heated, what they shall drink, and how they shall conduct their business, and before starting in life people will have to come to Washington and go through a universal training. Otherwise the people of this country will serve in the penitentiaries, I am afraid, for the Government will find them and confiscate all their wealth.

I very much wish Senators would look into this bill and call a halt on this kind of legislation. There are some kindred bills a little farther down on the calendar along the same line, and I think we have adopted enough bad legislation in the last couple of years, since the Republicans have been in power. The Republicans are getting terribly discouraged now, and if they keep on they will lose all hope and the next election will not have enough "pep" in it to make it amusing. We do not want to kill them off all at once, and I want to warn them that the people will not stand much of this kind of legislation.

I believe this bill possesses somewhat fewer iniquities than does the shipping bill, possibly, in that it does not deal in such large amounts; but I would hesitate a good while before I would vote to take up either one of these bills. I might vote to take up the filled milk bill, as I would have to choose between them, but I would be doing great violence to my conscience, and I wish somebody would talk from now to the end of the session so that we would not have to go through that ordeal.

With this warning to our friends on the other side, I believe I will let them go along now, as far as I am concerned, and take a vote if they want to, but I hope legislation along the line of this filled milk bill and a few of the kindred bills which follow it on the calendar will never be put upon our statute books.

#### CONFIRMATION OF MILES POINDEXTER AS AMBASSADOR TO PERU.

Mr. LODGE. Mr. President, I ask that the Senate in open executive session consider the nomination of ambassador to Peru, which has just been received from the President.

The PRESIDING OFFICER (Mr. ODDIE in the chair). Without objection, the Chair, in open executive session, lays before the Senate the nomination by the President, which will be read:

The Assistant Secretary read as follows:

THE WHITE HOUSE, February 19, 1923.

#### To the Senate of the United States:

I nominate MILES POINDEXTER, of Washington, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Peru, effective March 5, 1923.

WARREN G. HARDING.

Mr. LODGE. Mr. President, unanimous consent is always granted for consideration in such cases where a member of the body has been nominated to office by the President, and I ask unanimous consent for the consideration of the nomination.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. LODGE. I ask for the confirmation of the nomination in open executive session.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to this nomination? [Putting the question.] It is unanimously agreed to.

Mr. LODGE. I ask that the President may be notified.

The PRESIDING OFFICER. The President will be notified of the confirmation.

Mr. LODGE. I ask that the Senate return to legislative session.

The PRESIDING OFFICER. It is so ordered, and the Senate resumes legislative session.

#### THE MERCHANT MARINE—FILLED MILK.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12817) to amend and supplement the merchant marine act, 1920, and for other purposes, the pending question being on the motion of Mr. LADD that the Senate proceed to the consideration of the bill (H. R. 8086) to prohibit the shipment of filled milk in interstate or foreign commerce.

Mr. HARRISON. Mr. President, I rise merely to try to clear up what may appear to some to be a wide difference of opinion on this side as to the wisdom of taking up the so-called Ladd bill or to allow the ship subsidy bill to be proceeded with.

I do not understand how anyone got it into his head that there was a filibuster on. It must have been a slip of the tongue when some one said there was a filibuster. I for one do not admit that there is any filibuster, and if there were a real filibuster on, Senators and the country would know it. How anyone can imagine that there is a filibuster on, under the circumstances, is beyond my comprehension.

In a short session of Congress, within two and one-half months, this side of the Chamber has cooperated with the other side in passing every appropriation bill for the support of the Government. I do not know whether we have passed 12 or not; it used to be 12 before we adopted our new-fangled rules, but, anyway, every appropriation bill for running the Government has been passed, and I think all except two are now laws, those two being the Army appropriation bill and one other bill.

Mr. LODGE. The District of Columbia appropriation bill.

Mr. HARRISON. Yes; the District appropriation bill; and there may be a deficiency bill yet. We know there will be more deficiencies. I shall be surprised if there are not two or three deficiency bills within the 10 days yet remaining, because the appropriations have been cut so much under the estimates that we may be assured that before we adjourn on the 4th of March we will have a deficiency appropriation bill in this body which will carry around \$75,000,000 or maybe \$100,000,000.

May I ask the Senator from North Carolina if he has any hint of another deficiency appropriation bill and how much it will be? I just wager—not being a betting man, I wager—that the Appropriations Committee has some hint of some large amount to be carried in a deficiency appropriation bill between now and the 4th of March.

Mr. OVERMAN. I think it will carry \$56,000,000.

Mr. HARRISON. Fifty-six million dollars. The Senator from Massachusetts knew that, but I, not being on the inside, did not know what the amount of the deficiency appropriation would be.

Mr. LODGE. The Senator might have guessed it by thinking of the amount added to the Army appropriation bill for rivers and harbors.

Mr. HARRISON. Rivers and harbors! That is a matter about which the administration was very unwise. The engineers of the Government said that in order to promote commerce we needed about \$57,000,000 to provide for channels and harbors and their maintenance, and the Budget Bureau, without rhyme or reason, not having any knowledge of engineering, knowing nothing about the condition of the rivers and harbors of the country, fooled the President, so that the President allowed the Budget Bureau to cut the estimate down to about \$27,000,000.

You could not expect Senators of individual views to accept such a proposition as that, because from the time the engineers were made a part of the Government the Senate has accepted their views over those of civilians, so far as appropriations to take care of rivers and harbors were concerned, and I can not understand how the President could ever imagine that the Congress of the United States could accept an estimate of the Budget Bureau for river and harbor improvements to the extent of \$27,000,000 when the engineers said \$57,000,000 was needed, and, of course, the Congress approved the estimate of the engineers.

Mr. HITCHCOCK. Mr. President—

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Nebraska?

Mr. HARRISON. I yield.

Mr. HITCHCOCK. I will state to the Senator that if the Government of the United States had required Great Britain, in the bill passed Friday, to pay the same amount of interest we will be compelled to pay on our bonds this deficiency would not be necessary. Fifty-seven million dollars is exactly the amount of money we will pay in interest more than we will receive from Great Britain upon the deferred debt.

Mr. HARRISON. The Senator is exactly right in that. Of course, under the Democratic administration—though I do not



want to talk politics—the Treasury Department said that the interest rate on those bonds would be 5 per cent, I believe, but the five distinguished Republicans now representing this Government on the Debt Funding Commission said that a lower rate of interest was sufficient, so that went through. That is the way they are running things. But I did not want to get off on that. I wanted to remove this impression about a filibuster.

We have passed all these appropriation bills. We have helped the Republicans. We helped them to pass, forced them to pass, the Capper and the Lenroot agricultural credits bills. Talk about a filibuster; the distinguished Senator from Arkansas [Mr. ROBINSON] was the one who proposed the unanimous-consent agreement to stop the debate upon the Lenroot agricultural credits bill. If he had not done that, perhaps the debate would have been going on until now. It was the distinguished Senator from Virginia [Mr. SWANSON] who proposed the unanimous-consent request to close the debate and vote upon the British debt proposition. So we Democrats have been helping the Republicans along, but they do not seem to appreciate it. When a Democrat on this side even hints that there is a filibuster on, Senators on the other side sit in their places and do not come to the rescue of those of us who are trying to help them push legislation through.

Now, what is the picture? Here is the Senator from North Dakota [Mr. LADD], not a Democrat, but a Democrat in his belief and in his votes, who continues over on the other side of the Chamber when he should be sitting over here. He has proposed consideration of the skimmed milk or filled milk bill. He has said that the great dairy interests of the country need it. He has said that it would preserve the health of the children; that it is wholesome and reasonable and needful legislation. He has sat in his seat here for days and, under your leadership of the majority, has seen things go from bad to worse. He has seen the moments flitting by and the 4th of March coming on, and he knows that unless he makes an effort the dairy interests of the country will, in his opinion, suffer by virtue of the failure of the passage of the skimmed or filled milk bill.

So he rose in his place and made a motion to take up that bill for consideration, and the Senator from Washington [Mr. JONES], I suppose frightened and afraid to discuss the motion on its merits, moved to table that motion, which meant that no discussion upon the merits of the motion of the Senator from North Dakota could ensue. Of course, the majority of the Senate are not going to strangle the dairy industry of the country. They believe that every reasonable bill should have some time for discussion upon the floor of the Senate, and so they voted down the motion to table. Now, the important question is before the Senate whether we shall take up the skimmed or filled milk bill or continue consideration of the ship subsidy bill, and drag and drag along, when we know and you know and everybody knows that, outside of Lasker and the President and my friend from Washington, the ship subsidy bill has no friends.

With the country needing legislation, with committees having placed bills upon the calendar, are we to sit here and allow the ship subsidy bill to drag its weary way along and not turn our hands in order to get up legislation that will really benefit, in our various opinions, certain interests of the country? If we stay here, this same old debate would go on and on. Nobody seems to want to help the ship subsidy bill on to passage.

I have watched my friend from Oregon [Mr. McNARY], who has had a bill on the calendar, I will say, for a year at least, known as the McNary reclamation irrigation bill. The steering committee of your party met and named it as one of the first bills to be considered at this session of Congress. The President has been talked to about it. He has given it his O. K. The press has said that the McNary reclamation bill would be one of the bills this Congress would pass, and yet the ship subsidy bill is kept here when everybody knows it can not pass, and is permitted to drag itself along and block the McNary reclamation bill. If some Senator from the West on the other side of the Chamber, who has promised his people to stand for and advocate the passage of the McNary reclamation bill, does not make the motion to take it up, the motion will be made and it will not be made to carry out a plan of filibuster. It will be made in order to show to the country that the great West and the South, needing this legislation, wish to have it enacted.

That is not the only motion that will be made. Here is the truth in fabrics bill. How many Senators over on the other side of the Chamber have promised their constituents that they are going to pass the truth in fabrics bill? And yet whenever the motion shall be made some one will say it is a filibuster upon the part of those on this side of the Chamber, when we have done little more than discuss bills as they have come up and voted to help Senators on the other side of the Chamber carry their motions when made for the consideration of their bills.

I realize that there are two viewpoints with respect to the ship subsidy bill. The Senator from Alabama [Mr. UNDERWOOD] believes that the wise course for his party to pursue is to get a vote on the ship subsidy bill. For my part, I have no objection in the world to a vote on the ship subsidy bill. I know that its passage would benefit the Democratic Party, if there were sufficient votes to pass it and it could be brought to a vote. I do not believe there is a Senator who would vote for the bill who could go back to his people immediately and be returned to the Senate after having voted for it. I think it is monstrous, but with all the bills on the calendar that various Senators are trying to have considered, the ship subsidy bill has little chance to pass.

Why should we be strangled on such an important measure? Why insist upon meeting at 10 o'clock in the morning, taking no recess for dinner, and staying here until 10 or 11 o'clock at night to consider the ship subsidy bill, when Senators on the other side of the Chamber are constantly making motions to supplant it and getting enough votes to supplant it? We all know that we would accomplish more by proceeding in an orderly way, and that a majority of the Senate are opposed to the ship subsidy bill. I do not mean a majority of the Senate would vote against the ship subsidy bill when the vote comes, because I know there are certain Senators on the other side of the aisle who are like frightened birds upon a rotten twig. They are trembling and ready to fly at the first crack of the twig. I suppose some of those faint-hearted gentlemen will, in the end, when the roll is called vote for the bill, but in their hearts they do not believe in it. I will not say they are praying, but they are hoping that the vote will not come.

The Senator from Alabama realized that. He has analyzed the situation with his keen intellect, and he knows that it will put the majority in trouble. He believes the best way to do it is to come to a vote, but as for myself I am taking a broader view of the proposition than the Senator from Alabama does.

While I am perfectly willing to have a vote, I really want to help protect Senators from their own folly. I want to help fix a pallet, so to speak, on which some of them may rest easy, so they may get away from the influences of the Executive power that are demanding of them to vote for the ship subsidy legislation. I do not think any of them are going to get mad with us for delaying the ship subsidy bill a little bit.

I submit, Mr. President, that as yet there is not a real filibuster on, and it can not be laid at our door that there is a real filibuster going on. Things are going along in a very nice way. We are trying to consider some legislation. When that shall have been finished, then we want to consider the truth-in-fabrics bill, and then we ought to consider a piece of legislation which the President came down here and had sent back to the committee because, he said, there were no funds with which to meet it, and which now, after the passage of the British debt bill, might be met with those funds. Anyway, the condition has been met; and we might take up, if you want to, the soldiers' bonus legislation and pass that.

There is much to be done. Here is the Senator from South Dakota [Mr. NORBECK], who has a bill reported out of the committee having relation to the standardization of prices or guarantee of the price of wheat, I believe it is. He thinks that is an important piece of legislation. The wheat people out West think it is an important piece of legislation. I do not know that I shall vote for it, but I am in favor of giving it a day in court, letting us discuss the bill and present the merits of it, and then vote upon it. Every day that we prolong the discussion on the ship subsidy bill and let it drag its weary way along, as it has been allowed to drag along, means just that much more delay in the consideration of the Norbeck wheat proposition.

This morning we tried to procure some time to take up the calendar on to-morrow and because we could not agree upon 11 o'clock as the hour of meeting, objection was interposed by the distinguished Senator from Washington [Mr. JONES]. Here are 100 bills in which various Senators are interested and in which people from various sections are interested. If we do not consider them now and the Senate does not pass them now, they will not be considered by the House before adjournment. In other words, in just a few days the wheels will be clogged and we will not be able to pass any more legislation. Why not allow us to have four hours to-morrow to consider the calendar and take up unobjectioned bills, and then consider the motion made by the Senator from North Dakota [Mr. LADD] to consider the skimmed or filled milk bill, and go along without trying to force through at this time the ship subsidy bill?

Mr. President, I do not know whether anyone else wants to talk on the motion or not. I am going to vote for the motion to take up the bill. In doing so, I do not believe I am filibustering. I am merely presenting an opportunity for the considera-



tion of what certain Senators believe to be an important bill. I hope that a majority will vote to take up the measure. If that motion fails, there will be another motion made to-morrow to take up another bill. For instance, I filed this morning a motion to discharge a certain committee from further consideration of a bill. I will say that unless a reasonable explanation is made by the committee that has had and now has in charge the codification of the laws, I shall insist upon a vote to discharge the committee and take up that bill for consideration. That bill passed the House about 20 months ago, if I am not mistaken in my dates; at any rate a long time ago. The chairman of the House committee and those on the committee with him worked for nearly two years to codify the laws and the bill passed the House and yet in all the time it has been in the Senate it has slept in the committee room and no report has been made on it.

Mr. CURTIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Kansas?

Mr. HARRISON. I yield.

Mr. CURTIS. The Senator's statement is hardly fair. The first bill that came over was referred to a subcommittee of three appointed to take charge of the measure. The distinguished former Senator from Delaware, Mr. Wolcott, who was then a Member of the Senate—

Mr. HARRISON. Let me ask the Senator a question right there. When was it that the first bill came over to the Senate?

Mr. CURTIS. During the last Congress.

Mr. HARRISON. It was in the last Congress?

Mr. CURTIS. Yes. That bill was carefully considered by every member of the subcommittee, and upon the suggestion of Senator Wolcott alone, because he had discovered several errors, one of which was very material in the part referred to him, your committee did not feel that they would be justified in reporting it out. We were told that that error alone would cost the Government \$30,000,000 a year.

Mr. HARRISON. That was in the Sixty-sixth Congress, as the Senator from Kansas has stated. During the Sixty-seventh Congress, which has been in session for practically two years, the same bill was passed by the House as passed during the Sixty-sixth Congress, with some suggested changes.

Mr. CURTIS. I understood the Senator to say that since the bill passed the House it has been sleeping in committee in the Senate. I say that the committee which had charge of it in the last Congress did consider and examine the bill, and that over 57 errors were brought to the attention of the committee by one department.

Mr. HARRISON. I understand that; there is no difference between the Senator from Kansas and myself about that proposition. I think the House of Representatives in the Sixty-sixth Congress, as I recall, under the leadership of Mr. LITTLE, of Kansas, passed the bill. It came here and was referred to the committee, and the circumstances to which the Senator has called attention occurred. Then, in the present Congress, which has been in existence for practically two years, the same bill was passed by the House of Representatives some 20 months ago. It has been in the committee of the Senate since that time. I will ask the Senator from Kansas if that is not a fair statement of the fact?

Mr. CURTIS. I am not on the subcommittee at this time, and I do not know what has been done by the committee, except what the acting chairman of the committee told me. He is not now present, and I would rather he would explain what has been done in reference to the bill. I would like to see the bill carefully considered by the committee, and have it reported to the Senate with such amendments as the committee may find should be made.

Mr. HARRISON. So the bill has been in the Senate for a long time. I do not know what effort has been made to consider it in the committee. I do not know whether any mistakes have been detected or not. Naturally, there would be some mistakes in a great bill like that, but the Senate is entitled and the House is entitled to some explanation about the bill. To-day I filed a motion to discharge the committee from further consideration of the bill, and unless there is some explanation made upon the floor of the Senate and some progress is shown and some reason given why a vote should not be taken upon the motion to discharge, I shall press the motion.

There is much legislation that should be enacted before the present Congress shall finally adjourn. I am not unmindful of the few things that we have already done during this session. Outside of the passage of the appropriation bills and the withdrawal of the Liberian loan measure, which was done during the extraordinary session, as I recall, and the ultimate withdrawal of the Dyer antilynching bill, so called, the only

thing that has been done has been the passage of the Capper and Lenroot agricultural credits bills and the measure providing for the settlement of the British debt.

The Capper and the Lenroot bills are now in the other House, and we read in the newspapers every morning that it is, indeed, doubtful whether those bills will pass the House before the 4th of March; indeed, a statement emanating from one high in Republican councils hinted that the agricultural credits bills would not pass the other House unless the Senate passed the ship subsidy bill. So it seems that we are playing both ends against the middle. We over here who made the fight for agricultural credits legislation are told, if not indirectly, by insinuation, that unless we allow a vote to be taken upon the ship subsidy bill the agricultural credits bills will die in the other House. I hope there are enough friends of the farmers in the House of Representatives to compel action before the 4th of March, so that those pieces of wholesome legislation in behalf of the great agricultural interests will be enacted into law.

I wish that the administration, realizing the iniquitous provisions of the ship subsidy bill and the strong opposition there is to it, and appreciating that if the Senate as it will be composed in the Sixty-eighth Congress should be given an opportunity to vote upon the measure it would be overwhelmingly defeated, would withdraw the bill and take the people into their confidence and tell them why the bill was withdrawn.

Mr. TRAMMELL. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

|               |              |           |              |
|---------------|--------------|-----------|--------------|
| Ashurst       | George       | McKinley  | Shortridge   |
| Ball          | Gerry        | McLean    | Smith        |
| Bayard        | Glass        | McNary    | Smoot        |
| Borah         | Gooding      | Moses     | Spencer      |
| Brandegee     | Hale         | Nelson    | Stanley      |
| Brookhart     | Harrell      | New       | Sterling     |
| Broussard     | Harris       | Nicholson | Sutherland   |
| Calder        | Harrison     | Norbeck   | Swanson      |
| Cameron       | Heflin       | Norris    | Townsend     |
| Capper        | Hitchcock    | Oddie     | Trammell     |
| Colt          | Johnson      | Overman   | Underwood    |
| Couzens       | Jones, Wash. | Pepper    | Wadsworth    |
| Curtis        | Kellogg      | Phipps    | Walsh, Mass. |
| Dial          | Keyes        | Pittman   | Walsh, Mont. |
| Dillingham    | King         | Pomerene  | Warren       |
| Edge          | Ladd         | Ransdell  | Weller       |
| Ernst         | La Follette  | Reed, Mo. | Williams     |
| Fernald       | Lenroot      | Reed, Pa. |              |
| Fletcher      | Lodge        | Robinson  |              |
| Frelinghuysen | McKellar     | Sheppard  |              |

The VICE PRESIDENT. Seventy-seven Senators have answered to their names. A quorum of the Senate is present. The question is on the motion of the Senator from North Dakota that the Senate proceed to the consideration of House bill 8086. Upon that question the yeas and nays have been ordered.

Mr. STANLEY. Mr. President, during many years service in the House and Senate I have listened with rapt attention to the weighty words of my valued friend and honored colleague. I concur always with pleasure and differ seldom, and then with a sense of profound regret and with a suspicion that after all he may be right and that I may be wrong, for I have seen his judgment tried in the school of long experience. In expressing a difference on this occasion, it will not, I am sure, be construed in any sense as a condemnation or even as an implied criticism. I am impelled, however, to say what I say now out of deference for the great leader of the minority [Mr. UNDERWOOD] upon this floor. By virtue of his exalted and well-deserved position his words have a weight those of the average Senator have not; they have a significance that the expressions of no other Senator upon this side can have.

With much that he said I do most heartily concur. I was delighted to hear him remind the Senate and remind the country that we are going headlong into a course of Federal aggression; that bills presented here, almost without exception, nibble at least at what is left of the sovereignty of the States and of the institution of local self-government. Sane and conservative men in Congress and out of it, ministers of the gospel, learned educators, thoughtful patriots everywhere are beginning to ask themselves and to ask us the question, "Whither are we tending, and where will this thing end?"

I was delighted to hear the Senator make that observation. I can not agree, however, not with what he said, but with what might be inferred from his statement. He left me under the impression that Congress is busy and deserves the commendation of the country only when this legislative mill is grinding. As long as committees are reporting bills and this side of the Chamber, like the other, is passing them, then we are a good



Congress; but when we put on the brakes, when we say, "Stop, look, and listen!" then we are a bad Congress; and he referred to the conduct of the lower House as an illustration of the proper method of legislation.

Mr. President, the worst thing the Senate does, the worst thing Congress does, for the country and for humanity and for whichever party is responsible for its conduct is the passage of a multiplicity of half-baked, undigested measures—not measures that are demanded by a majority of the people, not measures that are responsive to the call of the intelligent mass of the people, but measures hatched often by sinister interests or interests backed by organized propaganda posing as the voice of the people. Members of Congress pass bills not because a majority approves or requires them, but because those who make the most noise and are the best organized demand them.

Mr. DIAL. Mr. President—

Mr. STANLEY. I yield to the Senator from South Carolina.

Mr. DIAL. I call the Senator's attention at this point to the fact that in the filled milk bill, subdivision (2), line 9, it says "between points within the same State." That certainly invades State rights. The Congress can not legislate about commerce between points within the same State. That is intra-State commerce, not interstate commerce.

Mr. STANLEY. I called the attention of the Senator from Iowa [Mr. BROOKHART] to that very point in the discussion of the measure.

Mr. DIAL. I beg the Senator's pardon. I did not hear it.

Mr. STANLEY. I am glad the Senator called attention to it again.

Mr. President, the Congress of the United States, when it is in good health and operating normally, when no stubborn minority member administers some kind of costly remedy, will pass more bills in one week than are passed in an entire legislative session by any other parliamentary body on earth. We pass more bills, we enact more laws, in one year than the British Parliament enacts in twenty. There is no deliberative body on earth as poorly attended as this one. The Senate of the United States is the most deserted legislative chamber on the face of the earth that deserves the name of a legislative chamber; and the reason why it is deserted is because we understand that more or less here it is stage play; that the work is done in committees; that we have ceased to weigh and consider, or, as Lord Bacon says, "to chew and digest" anything.

Last night I happened to be reading, in my opinion, one of the greatest speeches ever made by the greatest orator who ever adorned this floor. Taking him all in all, in his knowledge of the law, his marvelous command of sonorous and comprehensive English, his incisive power of deduction and debate, Webster stands unique in the history of forensic oratory; and, with the sole exception of his great answer to Hayne, in my opinion the greatest speech he ever made is his discussion of the tariff act of 1824. At that time, nearly 100 years ago, he rose in his place and complained that they had brought a great tariff bill into the Congress of the United States weighed and trammelled by rules and regulations to such an extent that its sane consideration was impossible, and that he, perforce, must vote for many things in it that he regarded pernicious if there happened to be in it more things that he regarded as salutary, or he must vote against many things that he thought necessary to the welfare of his country if those good things happened to be associated with others that he thought more deleterious; that it was unworthy, even in that day, of debate in a legislative body thus to tie its hands and gag its mouth and stultify its reason for the sake of political expediency.

Mr. President, were we to borrow the policy of the House of Representatives, which has at times ceased to be a deliberative body on important matters, and install—and I am sure the Senator from Alabama upon sober consideration does not approve of such a thing—adopt a rule providing that two hours after a bill comes in it must go out, without any amendment or modification or intervening motion whatsoever; in such a case it would not be long before the Congress of the United States would be the subject of jest and of deserved contempt, and would be and should be spewed out of the mouth of a brave and intelligent people. If we are not here to consider legislation, if we are not here to weigh it, if the only consideration that bills are to receive must be had by a few more or less interested Representatives behind closed doors in a committee, then this whole system of government is a mockery and a sham, and our assembling here an empty and hollow ceremony.

Mr. President, just the other day I went before a committee, the Judiciary Committee, to protest against the passage of a bill that had passed the House of Representatives by an over-

whelming majority. One provision of that bill would send a boy in his teens to the penitentiary for five years and subject him to a \$5,000 fine for giving his mother an account of a game of football if he happened to mention the odds. If he said, "The chances are 2 to 1, according to the judgment of the boys here, that he will win," it made him a felon; and there were 50 or 60 learned and reverend gentlemen there to advocate the passage of that bill. It would have excluded from the mails, it would have excluded from the news stands of the United States, the Manchester Guardian, the London Times, every great newspaper in the world; and yet we are told that we must stand here at the mouth of that cloaca of federalistic compounds as they are poured in here upon us, with our hands tied, deaf and dumb, because somebody will say we are not at work unless we are grinding out legislation.

The multiplicity of our laws to-day is the curse of our civilization. We are told of a tyrant who wrote the statutes of his country upon pillars so high that none could read. What is the difference between writing them where none can read and writing so many that none will ever be able to review or to understand them?

Fifty years ago, or thereabouts, Mark Twain on one occasion was walking down the streets of Boston. That was before the spirit of Cotton Mather moved South, more is the pity. A policeman stepped up and touched him on the shoulder and said, "Mr. Clemens, I see you are chewing tobacco. You must not chew and expectorate on the street. That is an offense." He said, "You must not spit on the street. There is a \$5 fine." And he spat out his beloved quid, and walked a little farther and lit a cigar. When he got through he threw the stub in the street, and another policeman said, "Hold on. You must not litter up the pavements, Mr. Clemens. That is against the laws of Boston. There is a \$5 fine, but if you will just pay me the \$5 for your appearance I will not make an arrest"; and he handed over another \$5. Then he crossed the street the wrong way, and he caught it for \$5 more; and he went home, and deliberately wrote that "he who has been born in Boston and has kept all its laws and ordinances need never be born again."

He who is born in these United States, and keeps the greater part of all the laws and ordinances that are made for our guidance, need never be born again. Yes, more than that: We are told, Mr. President, in Holy Writ, that above the cherubim and the seraphim, above angels and archangels, in the cerulean blue and in the white light of an endless elysium, there will be spirits loftier still, the spirits of just men made perfect those who came up through great trials and tribulations; but above the martyrs and the early Christians, above cherubim and seraphim, will be that creature who, from a federally conducted birth to a federally controlled burial, kept all the laws and ordinances now enacted for our Government by the Congress of the United States.

Mr. POMERENE. Mr. President, I think that when the milk bill comes up on its merits I shall vote for it, unless some reason is urged against it which does not occur to me now. I am profoundly of the opinion that man, woman, and child have a right to pure milk when they buy milk. If any reason has been urged, or can be urged, why they should not have that right, and shall not have it, I shall be glad to hear it.

I do not believe the so-called filled milk bill should be taken up now, to displace the ship subsidy bill, and when I say that, I want it distinctly understood that I can not vote for the ship subsidy bill. I feel that it will prove a snare and a delusion, and if I needed any reason to convince me of it more than another, I find the reason in the speeches which are being made on the floor of the Senate in favor of a ship subsidy. At some later day in the session, if the opportunity presents itself, I shall try to discuss that question upon its merits, but I want very briefly to-night to give my reasons for my vote against displacing it.

I recall that in the early days of this country we had the greatest merchant marine on the face of the globe, except for the British merchant marine. There was a time in the early history of our country when 90 per cent of the imports and exports came and went in American bottoms, and notwithstanding our tremendous growth during the last century only about 10 per cent of our transoceanic commerce came and went in American bottoms.

Then the war came on and we were drawn into it, and out of the womb of necessity was born a merchant marine consisting of 1,442 steel ships. I pass by those made of wood and concrete. Now, with this great fleet of 1,442 ships, only 421 of them are in commission, and many of them are returning, not with cargoes, but with ballast. That fleet cost the American people \$3,000,000,000, paid out of the American Treasury.



The Democratic administration was succeeded by the Republican administration, and we still have this merchant-marine fleet, without any well-defined policy with respect to it. The question is, What shall we do with it? On one side of this Chamber one view is entertained, and another view is entertained by other Senators.

Mr. DIAL. Mr. President, I want to suggest to the Senator that Congress inserted a provision in the tariff bill putting a tariff on the ballast, sand, and gravel shipped back in those ships.

Mr. POMERENE. Mr. President, as I said before, I shall expect to take up that subject, and I shall discuss it more at length at some other time, but I am now trying to address myself to a discussion of the duty of Senators.

Mr. KING. Mr. President, may I interrupt the Senator?

Mr. POMERENE. Certainly.

Mr. KING. The Senator has challenged attention to the fact that we have more than 1,400 ships. I am sure the Senator will not take offense if I observe that Mr. Lasker stated in his testimony that approximately one-half of the ships now owned by the Shipping Board or the Emergency Fleet Corporation are good, bad, or indifferent, mostly bad. I think the majority of the evidence establishes the fact that perhaps not more than from 400 to 600 of the ships are suitable either for cargo purposes or for the transportation of passengers. So that we have spent about \$3,400,000,000, and we have in the neighborhood of 400 or 500 ships.

Mr. POMERENE. In the main, the Senator is right. The total tonnage of the steel ships is about 7,000,000. As I recall Mr. Lasker's testimony, it is to the effect that about one-half of that tonnage can be sold and can be developed. As to the balance of it there is considerable doubt. But let me proceed a little further.

In December, I believe, 71 per cent of our exports were carried in foreign bottoms, only 29 per cent in American bottoms, and of that amount, 19 per cent was carried in ships belonging to the United States Shipping Board, the balance in privately owned ships.

Now, the President tells us—and I have no doubt he is right—that under Government operation of these ships during the last year we have lost \$50,000,000, and that does not take into account interest on investment, depreciation of the fleet, or insurance. So that probably we are confronted with an annual loss, if we are to take into consideration interest, depreciation, and insurance, amounting to about \$150,000,000.

I am not calling attention to this fact because I favor a ship subsidy. On the contrary, I am against it. But I call the Senate's attention to this fact because it must come with appealing force that it is necessary for the Congress to determine what course we shall pursue.

I think the remedy lies along the lines laid down in the Jones Act, passed in 1920. It may be that certain Senators have not made up their minds as to what course they should pursue, but I am convinced that we should not displace this bill, but should discuss it, to the end that the country can come to an enlightened conclusion as to what ought to be done, and whether there shall ultimately be a vote or not, the discussion is going to bring forth fruit. For that reason, if for no other, I shall not vote to displace the ship subsidy bill now. I think we ought to discuss it. I think we ought to discuss it upon its merits, and then come to a conclusion.

I might go on and discuss at some length the plan which is proposed in the bill and the plan which I have in mind, but I shall not do that this evening.

Mr. KING. Mr. President, will the Senator yield before resuming his seat?

Mr. POMERENE. Certainly.

Mr. KING. If I may recur to the first part of the Senator's observation, in which he discussed very briefly, indeed, only by inference, the filled milk bill, which it is proposed to place before the Senate for consideration, he observed that he believed that people were entitled to pure milk. Of course no one can take issue with the learned Senator on that proposition. I was wondering if the Senator felt that it was the duty and was within the constitutional power of the Federal Government to take over that subject of legislation or whether he believed that the States were impotent to deal with the question of pure milk and whether he believed that the States should not be trusted with that responsibility. I express no opinion one way or the other, but I should be glad to get the Senator's views if he cares to submit them.

Mr. POMERENE. The Senator has made a very pertinent suggestion. I do not think the States are impotent, but I do think that the Congress may aid the States by regulating the commerce in milk between the States.

Mr. KING. If the Senator will pardon me, as I understand the filled milk bill, the manufacture of filled milk is made a Federal offense. It does not content itself with the regulation of interstate commerce, which we concede is within the power of the Federal Government.

The question would naturally address itself to a lawyer as to the power of the Federal Government to deal with the matter, which it would seem, at first blush at least, was within the cognizance of the State. If the Federal Government may take up the question of dealing with milk under the guise of regulating commerce, is there any commodity with which it may not deal? I express no opinion, as I said, and I am very much in sympathy with the purposes of the bill. If I can convince myself of its constitutionality and of the wisdom of it, I shall very gladly vote for it.

Mr. POMERENE. The Senator will recall that I made the statement that I was for the bill in principle unless something developed during the course of the discussion which would persuade me that I ought not to vote for it. The point which the Senator has suggested is one that I had in mind that gave me some little concern about it.

Mr. WALSH of Montana. Mr. President, I have not had an opportunity to read carefully the hearings and so am not thoroughly familiar with what they disclose. Is there not some testimony in the record to the effect that the product is an unwholesome article of diet?

Mr. KING. I have not read the testimony and know nothing about the reasons other than would appear upon the face of the bill in favor of its enactment or its presentation.

Mr. WALSH of Montana. I observe by the report of the committee that the committee stated that it is an unwholesome article of diet. Are we to understand that there is no evidence at all in the hearings to sustain that action? I wanted to inquire what reason there is in that case to doubt the constitutionality of the measure which seems to have been raised.

Mr. KING. It is quite likely, if the article be placed in the same category as, for instance, narcotics, which it is conceded are injurious, that Congress would have the power.

Mr. WALSH of Montana. Or all the articles covered by the pure food law, which has been adjudged to be constitutional.

Mr. KING. The Senator, I think, will distinguish between regulation and forbidding the manufacture absolutely.

Mr. WALSH of Montana. It is not a proposition of forbidding the manufacture at all. It is forbidding the transportation.

Mr. KING. I understand the bill forbids the manufacture. I am so advised, and that is the point to which I was addressing my inquiry.

Mr. WALSH of Montana. I was curious to know upon what ground anyone could question the constitutionality of it so far as it affected the transportation of the article from one State to another.

Mr. ROBINSON. Mr. President, may I suggest that I have heard it stated that scientists who have investigated the matter have reported that filled milk, while of less value as food than ordinary milk, is not deleterious, is not poisonous, and is not harmful, and some of them at least assert that it has a food value.

It has been stated that the question of the constitutionality of the bill arises out of the contemplated exercise by Congress of its power to regulate commerce in an effort to deny to an alleged harmless article movement in commerce.

The question is whether Congress can arbitrarily say that an article is deleterious when, as a matter of fact, scientific investigation does not disclose it to be deleterious. Could Congress, for instance, say that pure milk is deleterious and therefore shall be denied the privilege of interstate commerce? I think perhaps it would be agreed that it could not do so. So that the question arises as to whether the Congress has the power to characterize an article as deleterious which is in fact wholesome, and that question presents a good many difficulties. I think the question of fact may be important in determining the validity of legislation; that is, the question as to whether the article is in fact deleterious or is in fact wholesome.

Mr. WALSH of Montana. I find that, so far as the question of manufacture is concerned, the prohibition is in the Territorial possessions and the District of Columbia.

Mr. KING. Not within the States?

Mr. WALSH of Montana. So far as the States are concerned, it is simply where interstate shipments are concerned.

Mr. KING. Then it is more narrow than I supposed.

Mr. DIAL. Mr. President, the testimony that I have read shows that the compound is wholesome, that it has absolutely nothing wrong about it, that it is not falsely labeled, that it is



nutritious. The only objection to it is that it is claimed that ignorant people use it for purposes for which it ought not to be used.

Mr. WALSH of Montana. I was aware of the fact that it is contended upon one side that it is a perfectly wholesome and nutritious article of food.

Mr. DIAL. It is so contended on both sides, as the Senator will find if he will read the testimony of the author of the bill.

Mr. WALSH of Montana. If it is admitted upon both sides, that is a different matter. I admit the question of the constitutionality of the legislation might be raised in that event; but I am referring to the report of the committee on the matter, which would indicate that it is an unwholesome article of food.

Mr. DIAL. I do not think that is borne out by the testimony. If the Senator would read the testimony of the author of the bill and of the first witness who was called, he would see that it is shown to be perfectly wholesome and its nature not misrepresented.

Mr. HEFLIN (at 6 o'clock and 5 minutes p. m.). Mr. President, there are so few Republicans here, and those who are here look so tired and worn, that I think we ought to adjourn. I move that the Senate do now adjourn.

Mr. JONES of Washington. On that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. MOSES and Mr. WATSON suggested the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll to ascertain the presence of a quorum.

The reading clerk called the roll, and the following Senators answered to their names:

|               |                |             |              |
|---------------|----------------|-------------|--------------|
| Ball          | Gerry          | McKellar    | Smith        |
| Bayard        | Glass          | McLean      | Smoot        |
| Borah         | Gooding        | McNary      | Spencer      |
| Brookhart     | Hale           | Moses       | Stanfield    |
| Broussard     | Harrell        | New         | Stanley      |
| Bursum        | Harris         | Nicholson   | Sterling     |
| Calder        | Harrison       | Norbeck     | Sutherland   |
| Cameron       | Hefflin        | Norris      | Swanson      |
| Capper        | Hitchcock      | Oddie       | Townsend     |
| Colt          | Johnson        | Pepper      | Trammell     |
| Couzens       | Jones, N. Mex. | Phipps      | Underwood    |
| Curtis        | Jones, Wash.   | Pittman     | Wadsworth    |
| Dial          | Kellogg        | Polindexter | Walsh, Mass. |
| Dillingham    | Keyes          | Pomerene    | Walsh, Mont. |
| Edge          | King           | Ransdell    | Warren       |
| Ernst         | Ladd           | Reed, Mo.   | Watson       |
| Fernald       | La Follette    | Reed, Pa.   | Weller       |
| Fletcher      | Lenroot        | Robinson    | Williams     |
| France        | Lodge          | Sheppard    |              |
| Frelinghuysen | McCormick      | Shields     |              |
| George        | McCumber       | Shortridge  |              |

The VICE PRESIDENT. Eighty-one Senators have answered to their names. A quorum is present. The question is on the motion of the Senator from Alabama to adjourn, on which the yeas and nays have been ordered. The Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. POMERENE. I have a pair with my colleague, the junior Senator from Ohio [Mr. WILLIS], but I understand there has been some other arrangement made in reference to that pair. In view of that fact, I feel free to vote. I vote "yea."

Mr. EDGE (after having voted in the negative). I have a general pair with the senior Senator from Oklahoma [Mr. OWEN]. I transfer that pair to the senior Senator from Minnesota [Mr. NELSON] and allow my vote to stand.

Mr. COLT (after having voted in the negative). I transfer my general pair with the Senator from Florida [Mr. TRAMMELL] to the senior Senator from Connecticut [Mr. BRANDEGEE] and allow my vote to stand.

Mr. CURTIS. I am requested to announce the following pairs:

The Senator from West Virginia [Mr. ELKINS] with the Senator from North Carolina [Mr. SIMMONS];

The junior Senator from Ohio [Mr. WILLIS] with the Senator from Colorado [Mr. NICHOLSON]; and

The senior Senator from Iowa [Mr. CUMMINS] with the Senator from North Carolina [Mr. OVERMAN].

The result was announced—yeas 33, nays 45, as follows:

#### YEAS—33.

|           |                |           |              |
|-----------|----------------|-----------|--------------|
| Bayard    | Glass          | McNary    | Stanley      |
| Borah     | Harris         | Norris    | Swanson      |
| Brookhart | Harrison       | Pittman   | Underwood    |
| Capper    | Hefflin        | Pomerene  | Walsh, Mass. |
| Couzens   | Hitchcock      | Reed, Mo. | Walsh, Mont. |
| Dial      | Jones, N. Mex. | Robinson  | Williams     |
| Fletcher  | King           | Sheppard  |              |
| France    | La Follette    | Shields   |              |
| George    | McKellar       | Smith     |              |

#### NAYS—45.

|               |              |             |            |
|---------------|--------------|-------------|------------|
| Ball          | Gooding      | McLean      | Spencer    |
| Broussard     | Hale         | Moses       | Stanfield  |
| Bursum        | Harrell      | New         | Sterling   |
| Calder        | Johnson      | Norbeck     | Sutherland |
| Cameron       | Jones, Wash. | Oddie       | Townsend   |
| Colt          | Kellogg      | Pepper      | Wadsworth  |
| Curtis        | Keyes        | Phipps      | Warren     |
| Dillingham    | Ladd         | Polindexter | Watson     |
| Edge          | Lenroot      | Ransdell    | Weller     |
| Ernst         | Lodge        | Reed, Pa.   |            |
| Fernald       | McCormick    | Shortridge  |            |
| Frelinghuysen | McCumber     | Smoot       |            |

#### NOT VOTING—13.

|           |          |           |          |
|-----------|----------|-----------|----------|
| Ashurst   | Elkins   | Nelson    | Simmons  |
| Brandegge | Gerry    | Nicholson | Trammell |
| Caraway   | Kendrick | Overman   | Willis   |
| Culberson | McKinley | Owen      |          |
| Cummins   | Myers    | Page      |          |

So the Senate refused to adjourn.

The VICE PRESIDENT. The question is on the motion of the Senator from North Dakota [Mr. LADD].

Mr. CURTIS. Question!

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk proceeded to call the roll, and called the name of Mr. ASHURST.

Mr. SHEPPARD. Mr. President—

The VICE PRESIDENT. The Senator from Texas.

Mr. SHEPPARD. Mr. President, Thursday, February 15, 1923, was the first anniversary—

Mr. LODGE. Mr. President—

The VICE PRESIDENT. Does the Senator from Texas yield to the Senator from Massachusetts?

Mr. SHEPPARD. I shall yield when I finish the sentence.

Mr. LODGE. I rise to a question of order. I understood that the call of the roll had begun.

Mr. SHEPPARD. I was on the floor and addressing the Chair.

Mr. McKELLAR. No answer had been made on the call of the roll. The name of the Senator from Arizona [Mr. ASHURST] had been called, but he was not here.

The VICE PRESIDENT. The first name on the roll had been called, but there was no response.

#### WORK OF THE LEAGUE OF NATIONS.

Mr. SHEPPARD addressed the Senate. After having spoken for some time,

Mr. WADSWORTH. Will the gentleman from Texas yield to me that I may submit a conference report?

Mr. SHEPPARD. I yield on condition that I do not lose the floor.

Mr. WADSWORTH. I think I can assure the Senator that that point will not be raised.

Mr. SHEPPARD. Very well.

#### WAR DEPARTMENT APPROPRIATIONS—CONFERENCE REPORT.

Mr. WADSWORTH. Mr. President, I submit the following conference report.

The VICE PRESIDENT. The report will be read.

The report was read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13793) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1924, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 8, 11, 12, 13, 14, 16, 20, 22, 25, 32, 33, 39, 40, 41, 44, 46, 57, 58, 59, 61, 66, 75, 80, 93, 94, 96, 97, 102, 103, 104, 107, 108, 110, 112, 113, 114, 117, 118, 124, and 126.

That the House recede from its disagreement to the amendments of the Senate numbered 7, 9, 24, 26, 28, 29, 37, 43, 45, 50, 51, 52, 53, 54, 55, 56, 60, 62, 64, 65, 68, 70, 71, 72, 73, 74, 76, 77, 78, 79, 83, 84, 85, 86, 87, 88, 98, 99, 105, 109, 111, 116, 120, and 121, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$75,000"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$70,480"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and



agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$42,480"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$149,000"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$75,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$60,540"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "\$75,000"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$250,000"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$1,400,000"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$3,500,000"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "except those who have received training in either of the training camps held during the calendar years 1921 and 1922"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "Provided, That this appropriation shall not be available for increased pay on flying status to more than 600 enlisted men"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$660,000"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$14,350,000"; and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "enlisted men of the Enlisted Reserve Corps"; and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$15,850,000"; and the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In line 2 of the matter inserted by said amendment, after the word "con- of the sum proposed insert "\$15,850,000"; and the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "for the Regular Army and for such other mark-

ings and fuel supply stations and temporary shelter as may be necessary"; and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "and if such flights are given by Army personnel upon other than Government fields, a bond of indemnity, in such sum as the Secretary of War may require for damages to person or property, shall be furnished the Government by the parties desiring the exhibition"; and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In line 16 of the matter inserted by said amendment strike out "\$120,000" and insert in lieu thereof "\$89,900"; and in line 17 of the matter inserted by said amendment strike out "\$120,000" and insert in lieu thereof "\$89,900"; and in line 21 of the matter inserted by said amendment strike out "\$100,000" and insert in lieu thereof "\$80,000"; and the Senate agree to the same.

Amendment numbered 82: That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$7,500"; and the Senate agree to the same.

Amendment numbered 89: That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$1,400,000"; and the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$2,100,000"; and the Senate agree to the same.

Amendment numbered 91: That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$10,200,000"; and the Senate agree to the same.

Amendment numbered 92: That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$325,000"; and the Senate agree to the same.

Amendment numbered 95: That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$2,500,000"; and the Senate agree to the same.

Amendment numbered 100: That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$82,450"; and the Senate agree to the same.

Amendment numbered 115: That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$650,000"; and the Senate agree to the same.

Amendment numbered 123: That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$575,000"; and the Senate agree to the same.

Amendment numbered 125: That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$6,584,683"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 18, 21, 30, 34, 36, 38, 49, 101, 106, 119, and 122.

J. W. WADSWORTH, Jr.,  
W. L. JONES,  
SELDEN P. SPENCER,  
WM. J. HARRIS,

*Managers on the part of the Senate.*

D. R. ANTHONY, Jr.,  
WILLIAM H. STAFFORD,  
T. U. Sisson,

*Managers on the part of the House.*



Mr. WADSWORTH. Mr. President, I will state what is the actual situation. The amendments which are reported as being in disagreement are all but one of them tentatively agreed to by the conferees, but under the rules of the House they must go back to the House for a separate vote. One amendment is still in disagreement and the House conferees insist that the House membership shall have the right to vote on it.

Mr. FLETCHER. May I inquire of the Senator if the matter in disagreement refers to the reserve officers' training corps headquarters and the items in the bill?

Mr. WADSWORTH. It refers to the headquarters, divisional and regimental, of the Organized Reserve. The Senate conferees believe it vital to maintain those headquarters.

Mr. FLETCHER. The Senate conferees are insisting upon the position of the Senate.

Mr. WADSWORTH. They are. That is the only amendment in actual disagreement. I ask for the adoption of the conference report.

The report was agreed to.

Mr. FLETCHER. Mr. President, in this connection I desire to have inserted in the RECORD a letter from Maj. H. C. Culbreath, a reserve officer in Florida, bearing on the importance of the position taken by the Senate in connection with the reserve officers' training corps.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

TAMPA INTEROCEAN STEAMSHIP CO.,  
Tampa, Fla., U. S. A., February 13, 1923.

Hon. DUNCAN U. FLETCHER,  
Washington, D. C.

MY DEAR SENATOR FLETCHER: I notice from the Associated Press dispatches and from the Army and Navy Journal that Congressman ANTHONY, of Kansas, is still on the warpath in his apparent attempt to eliminate the Army.

In my mind the most serious possible result will be the elimination of the appropriations providing for the continuation of the headquarters of the organized reserves under the present plans of the War Department. The elimination of these headquarters will turn the organized reserves into disorganized reserves by breaking up the framework of the units and leaving instead merely a number of Army reserve officers with no particular responsibility to anyone and no place in which they definitely belong.

All of us who are paying some attention to this matter are in accord with the allowance made by the Director of the Budget in providing for a fund for the maintenance of the C. M. T. C. and the R. O. T. C. You must consider that we have reserve officers who have held their commissions some two, three, and four years, but who have had no opportunity for field experience. If Congress finds it expedient in their wisdom to not make appropriations for these two branches of the service, I wish to most respectfully bring to your attention the vital necessity that the appropriation be made, amounting to less than \$500,000, for the maintenance of divisional and regimental headquarters of the reserves.

It will be possible for the time being to continue our reserve work without the annual training camps of the R. O. T. C. and the C. M. T. C., but it will be next to impossible to hold our own and utterly impossible to make any progress if our regimental and divisional reserve headquarters are to be discontinued. For instance, I am in command of the Three hundred and twenty-eighth Regiment of Infantry and have an excess of officers in our organization scattered over the State of Florida. I devote considerable time to this work, but it would be simply out of the question for me to get results and keep this organization intact were it not for the fact that a Regular Army captain is detailed as an executive officer and attached to my headquarters here. This Regular Army officer, of course, is able to function because of the divisional headquarters of the Eighty-second Division at Columbia. These two headquarters are the only headquarters maintained in connection with Reserve Corps work, inasmuch as the next higher headquarters—corps headquarters at Atlanta—have to do with the Regular Army and supervise the reserves in connection with their regular duty.

Please pardon this intrusion on your valuable time, but, knowing that you have always taken an active and serious interest in this character of legislation, I feel that it is proper that I should bring this matter to your attention and give you my views in connection therewith.

With kindest personal regards, I am, yours sincerely,

H. C. CULBREATH.

#### WORK OF LEAGUE OF NATIONS.

Mr. SHEPPARD resumed his speech. After having spoken for some time,

Mr. CALDER. I have on my desk several bridge bills which Members of the Senate are very anxious to have passed. With the understanding that it will not take the Senator from Texas off the floor, I ask unanimous consent to report them and to ask for their present consideration.

The PRESIDING OFFICER (Mr. FRELINGHUYSEN in the chair). Is there objection?

Mr. SHEPPARD. With the understanding that I will not yield the floor, I yield for that purpose.

#### FLORAL WREATH FOR SILENT TRIBUTE TO WASHINGTON.

Mr. CALDER. First, from the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably without amendment the concurrent resolution (S. Con. Res. 39) and ask for its immediate consideration.

There being no objection, the concurrent resolution was considered by unanimous consent and agreed to, as follows:

*Resolved by the Senate (the House of Representatives concurring).* That the Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives are hereby authorized and directed to purchase a floral wreath to be placed at the base of the Washington Monument on Washington's Birthday, February 22, 1923, on the occasion of the ceremonies attending upon the silent tribute, the expense of such wreath to be paid in equal proportions from the contingent funds of the Senate and House of Representatives.

#### ALLEGHENY RIVER BRIDGE, PENNSYLVANIA.

Mr. CALDER. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 13808) granting the consent of Congress to the commissioners of Venango County, their successors and assigns, to construct a bridge across the Allegheny River, in the State of Pennsylvania, and I submit a report (No. 1167) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

*Be it enacted, etc.* That the consent of Congress is hereby granted to the commissioners of Venango County, Pa., and their successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Allegheny River, at a point suitable to the interests of navigation, at Oil City, Pa., connecting Petroleum Street, on the south side of the river, with North Petroleum Street, on the north side of the river, in the county of Venango, in the State of Pennsylvania, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### POTOMAC RIVER DAM.

Mr. CALDER. From the Committee on Commerce I report back favorably without amendment the bill (S. 4526) authorizing the construction, maintenance, and operation of a dam and appurtenant intake and outlet structures across or in the Potomac River at or near Williamsport, Washington County, Md. I ask unanimous consent for the present consideration of the bill.

Mr. JONES of Washington. The bill seems to be for the construction of a dam and not a mere bridge bill.

Mr. CALDER. That is true. It has the approval of the War Department.

Mr. JONES of Washington. I think it had better go over.

The PRESIDING OFFICER. Objection is made, and the bill will go to the calendar.

Mr. JONES of Washington subsequently said:

I desire to withdraw my objection to the present consideration of Senate bill 4526.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

*Be it enacted, etc.* That the Williamsport Power Co., a corporation organized and existing under the laws of the State of Maryland, its successors and assigns, is hereby authorized to construct, maintain, and operate, at a point suitable to the interests of navigation, a dam and appurtenant intake and outlet structures across or in the Potomac River at or near Williamsport, Washington County, Md.: *Provided*, That the work shall not be commenced until the plans therefor have been submitted to and approved by the Chief of Engineers, United States Army, and by the Secretary of War: *Provided further*, That this act shall not be construed to authorize the use of such dam and/or other structures to develop water power or generate hydroelectric energy.

SEC. 2. That the authority granted by this act shall cease and be null and void unless the actual construction of the dam and other structures hereby authorized is commenced within one year and completed within three years from the date of the approval of this act: *Provided*, That from and after 30 days' notice from the Federal Power Commission, or other authorized agency of the United States, to said company or its successors, that desirable water-power development will be interfered with by the existence of such dam and/or other structures, as the case may be, the authority hereby granted to construct, maintain, and operate such dam and/or other structures designated in such notice shall terminate and be at an end; and any grantee or licensee of the United States proposing to develop a power project at or near such dam and/or other structures shall have authority to remove, submerge, or utilize such dam and/or other structures under such conditions as said commission or other agency may determine, but such conditions shall not include compensation for the removal, submergence, or utilization of such dam.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### ST. FRANCIS RIVER BRIDGE, ARK.

Mr. CALDER. From the Committee on Commerce I report back favorably without amendment the bill (S. 4579) to authorize the Lee County bridge district No. 2, in the State of Arkan-



sas, to construct a bridge over the St. Francis River, and I ask unanimous consent for the immediate consideration thereof.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

*Be it enacted, etc.,* That the consent of Congress is hereby granted to the Lee County bridge district No. 2, State of Arkansas, to construct, maintain, and operate a bridge and approaches thereto across the St. Francis River, at a point suitable to the interests of navigation, at or near Cody, in the county of Lee, in the State of Arkansas, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### MISSOURI RIVER BRIDGE, S. DAK.

Mr. CALDER. From the Committee on Commerce I report back favorably, without amendment, the bill (S. 4583) granting the consent of Congress to the State of South Dakota for the construction of a bridge across the Missouri River between Charles Mix County and Gregory County, S. Dak., and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

*Be it enacted, etc.,* That the consent of Congress is hereby granted to the State of South Dakota to construct, maintain, and operate a bridge and approaches thereto across the Missouri River at a point suitable to the interests of navigation between Charles Mix County and Gregory County, S. Dak., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### SOUTH FORK OF SOUTH BRANCH OF CHICAGO RIVER.

Mr. CALDER. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 9049) declaring the act of September 19, 1890 (26 Stats., ch. 907, sec. 7), and the act of March 3, 1899 (30 Stats., ch. 425, sec. 9), and all acts amendatory of either thereof, shall not hereafter apply to a portion of the west arm of the south fork of the South Branch of the Chicago River, and for other purposes. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

*Be it enacted, etc.,* That the act of September 19, 1890, making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes (26 Stats., ch. 907, sec. 7, p. 454), and the act of March 3, 1899, making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes (30 Stats., ch. 425, sec. 9, p. 1151), and all acts amendatory of either thereof shall not, after the passage of this act, apply to that portion of the west arm of the south fork of the South Branch of the Chicago River, lying between the east line of Ashland Avenue and the north line of Thirty-ninth Street, in the city of Chicago, Ill., as the same now exists or may hereafter be extended.

All rights, authority, or control over that part of the Chicago River now possessed or assumed by the United States under said acts, or either of them, or any amendments thereof are hereby relinquished and abandoned, and all rights, authority, or control over the same that were possessed by the State of Illinois before said acts were passed are hereby fully restored to said State.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### WORK OF LEAGUE OF NATIONS.

Mr. SHEPPARD resumed his speech. After having spoken for some time.

Mr. CALDER. Mr. President, will the Senator permit me to inquire if he expects to conclude his remarks this evening?

Mr. SHEPPARD. I do not know. If the interest continues to be so intense, I may continue indefinitely.

Mr. CALDER. If the Senator will permit me, I desire, without taking the Senator off his feet, to make reference to a newspaper article printed in this morning's New York Herald about a matter in which I am interested. It will take me perhaps five minutes, and I ask the Senator from Texas to yield to me with the understanding that it does not take the Senator off the floor.

Mr. SHEPPARD. With that understanding, I yield.

#### MAJ. GEN. ADELBERT CRONKHITE.

Mr. CALDER. Mr. President, there appeared in the New York Herald this morning an article entitled:

Cronkhite attacks CALDER once more. Major general reports Senator helped release murder suspect.

Then the article, which I shall later ask unanimous consent to have printed in the RECORD, goes on to state in minute detail how Senator CALDER appealed to the Department of Justice to grant a confidential hearing in the case of the Government against Captain Rosenbluth to the end that a speedy decision of the subject might be obtained. A careful reading of the statement made by Major General Cronkhite would not indicate that I have in any way interfered with the work of the Department of Justice, but the headlines of the article would tend to convince one that I had. I desire to make just a short statement on the subject, if the Senate will bear with me for a moment.

This case was called to my attention in March, 1921. It appears that Major Cronkhite, a son of Major General Cronkhite, had been killed at Camp Lewis, Wash., in October, 1918. Major General Cronkhite was at that time in command of a division of the American troops in France. No man in America has sympathized more with General Cronkhite than I have in the great bereavement which came to him and his wife. He was away, as I said, fighting on the other side, and his son, also a brave soldier, was at Camp Lewis, Wash.

Captain Rosenbluth and his friends, when they called upon me, insisted that the charge that he was in any way responsible for the death of Major Cronkhite was not true. They submitted to me affidavits seeking to demonstrate the correctness of their contention, and several officers who had served with Major Cronkhite and Captain Rosenbluth called upon me and told me they were sure Captain Rosenbluth was innocent. I was anxious, both for the sake of the memory of Major Cronkhite, son of the gallant general, and for the good name of Captain Rosenbluth, a citizen of my State, who had always borne an excellent reputation, that the matter should be cleared up. Captain Rosenbluth was at that time under arrest on the charge that he had aided in the murder. He was out on bail. The matter was before the Department of Justice. I wanted the Department of Justice to prosecute the case speedily and clear it up. For that reason I insisted that something should be done.

In the article published to-day General Cronkhite suggests that my activity in the matter resulted in a dismissal of the complaint. In that, of course, he is mistaken. It did result, however, in the charges against Captain Rosenbluth, in New York, being dismissed on the ground that there was no jurisdiction. It did not result, however, in a statement from the department that he was innocent of the charge, the thing that Captain Rosenbluth desired.

Subsequently the matter was referred to the county attorney of Pierce County, Wash., Mr. Selden, where Camp Lewis is located. He made an exhaustive study of the subject. I have here a newspaper published in Tacoma, December 18 last, and another one December 25, which shows the result of District Attorney Selden's investigation. He insisted, in the story published here, that there was no evidence submitted to him that warranted the indictment or prosecution of Rosenbluth.

My attention has been called to a number of affidavits appearing in this Tacoma publication, one by Robert S. Thomas, the colonel in command of the regiment in which both Major Cronkhite and Captain Rosenbluth served; of the regimental surgeon, Henry Tucker; of the chaplain, Rev. Thomas J. Harron; of Capt. Eugene M. Caffey; of Arthur L. Miller, an officer of the regiment, and other members of the command. All of these men had been intimately associated with Captain Rosenbluth and with Major Cronkhite. They told the story of their intimate knowledge of both of them before and at the time of the unfortunate affair.

I ask unanimous consent that these affidavits from these officers may be printed in the RECORD, together with the newspaper article to which I have referred.

The PRESIDING OFFICER (Mr. SPENCER in the chair). Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

[From the New York Herald, February 19, 1923.]

CRONKHITE ATTACKS CALDER ONCE MORE—MAJOR GENERAL REITERATES SENATOR HELPED RELEASE MURDER SUSPECTS—SEES GLASS AND REED—CALLS CONFERENCE ON KILLING OF SON AND OUSTING OF SELF ENCOURAGING.

WASHINGTON, February 18.—Conferences yesterday with Senator GLASS (Democrat, Virginia) and REED (Republican, Pennsylvania) were said by Maj. Gen. Adelbert Cronkhite to-day to have been "most encouraging" in the efforts being made to obtain a congressional inquiry into the recent enforced retirement of the officer and into the mysterious killing of his son, Maj. Alexander P. Cronkhite, in 1918, at Camp Lewis, Wash.

"Heretofore the difficulties I have had in persuading anyone to go into the facts have been very great," said General Cronkhite in a formal statement. "No one would go into them thoroughly. It is apparent, however, that Senator GLASS and Senator REED propose to take no ill-considered action and I certainly do not wish nor expect them to act until they are thoroughly prepared."



Both Senators were noncommittal to-day as to whether there will be a public inquiry, but Senator REED expects to announce a decision in a day or two. Such an inquiry would cover the retirement of the general, the circumstances surrounding the killing of Major Cronkhite, and the prosecution of Robert Rosenbluth and Roland Pothier in connection with the killing.

General Cronkhite replied to-day to the statement several days ago by Senator CALDER (Republican, New York), in which the Senator denied he had caused delay in the prosecution of the alleged murderers of Major Cronkhite. General Cronkhite had said the Senator wrote to Attorney General Daugherty, April 13, 1921, after the arrest of Rosenbluth and Pothier, saying he "had gone into the case very thoroughly with Rosenbluth and others, including two of Mr. Daugherty's associates, namely, Mr. Gibbs and Mr. Steward, and that he was convinced that there were such extraordinary features in this case as to warrant his making a recommendation that an entirely new, confidential, and thorough investigation be made."

This, according to General Cronkhite, was followed three days later by a letter from Mr. Gibbs to Senator CALDER saying no further action was to be taken in the case pending a personal investigation by the Attorney General. Then, in May, Senator CALDER, the statement continued, again wrote Mr. Daugherty, this time urging that Rosenbluth be given an early hearing, and about two weeks later the Attorney General assented to this request.

"Rosenbluth with his attorneys appeared before one of Mr. Daugherty's associates June 18," the statement further said, "and stated reasons why the pending proceedings against Rosenbluth should be quashed. At this 'entirely new, confidential, and thorough' investigation, which was in fact a mere ex parte hearing of Rosenbluth at which no one appeared against Rosenbluth, it was stated by counsel for Rosenbluth that the hearing had been granted at the request of Senator CALDER, and on July 16, without further investigation, Mr. Daugherty ordered that pending proceedings against Rosenbluth be dismissed."

"From the foregoing it is seen that while the interposition of Senator CALDER undoubtedly did have the effect of expediting the proceedings it secured the release of the accused and blocked the prosecution which was in process."

#### SPEAK FOR ROSENBLUTH.

EASTERN, MD., August 16, 1921.

I, Major Robert S. Thomas, Corps of Engineers, United States Army, now residing at Fort Leavenworth, Kans., do hereby solemnly swear:

That in the fall of 1918 I was colonel of Engineers in command of the Two hundred and thirteenth Regiment of Engineers stationed at Camp Lewis, American Lake, Wash. That Major Cronkhite, Capt. Robert Rosenbluth, and Serg. Roland Pothier were members of the Two hundred and thirteenth Regiment of Engineers.

That at the time of the death of Major Cronkhite nor since then did I have, nor have I had, any knowledge of suspicion or any feeling of ill-will, malice, or enmity of Capt. Robert Rosenbluth toward Major Cronkhite nor of any cause for the same.

That I did not have at the time of the death of Major Cronkhite nor since then have I had any knowledge or suspicion of any motive on the part of Captain Rosenbluth for the alleged killing of Major Cronkhite.

That I have not been interviewed nor questioned by any agent of the Department of Justice concerning the death of Major Cronkhite nor any action of Captain Rosenbluth's.

That Captain Rosenbluth served under my command and under my close personal observation for a period of nearly five months, and I found him to be a conscientious officer, earnest and honest in the performance of his duty.

Similarly, Sergt. Roland Pothier was under my command and personal observation for a period of five months. Sergeant Pothier's reputation for truth and honesty was not good. He was suspected of several petty thefts. I had investigated his previous service in the Navy and instructed the intelligence agent in the regiment to keep a close watch upon Pothier's actions, which resulted finally in my having to reduce Pothier from sergeant to private and order his court-martial for larceny.

That the death of Major Cronkhite was investigated in accordance with Army Regulations by a board of carefully selected officers of age, judgment, and responsibility; and that the findings of this board were to the effect that Major Cronkhite met his death by reason of accidental self-inflicted wound. The findings of this board I carefully reviewed in my capacity as commanding officer and approved.

ROBERT S. THOMAS,

Major Corps of Engineers, United States Army.

STATE OF MARYLAND, Talbot County, to wit:

I hereby certify that personally appeared before me, a notary public of the State of Maryland in and for Talbot County, the above-named Robert S. Thomas, being duly sworn, makes affidavit that the above is true to the best of his knowledge and belief.

[SEAL.]

CHARLES E. NORRIS, Notary Public.

(My commission expires May 11, 1922.)

STATE OF NEW YORK, County of New York, ss:

I hereby certify that I have personally compared the above affidavit of Robert S. Thomas with the original copy thereof, and that this is a true and accurate and complete copy in every respect.

JOSEPH W. FERRIS, Notary Public.

(Summer address: Bellevue, Md.)

#### REGIMENTAL SURGEON TESTIFIES.

I, Henry Tucker, late major, Medical Corps, United States Army, affirm that the following is, to the best of my knowledge and belief, true:

I have never been interviewed by anyone connected with the Department of Justice, although they have had my address and could have done so at any time.

I was regimental surgeon to the Two hundred and thirteenth Engineers at the time Maj. Alexander Cronkhite met his death in October, 1918, at Camp Lewis, Wash. I was present at the autopsy on the body of Major Cronkhite, at which time there was raised the question that he might have been killed by a stray machine-gun bullet fired from the near-by machine-gun range. This was disproved by the finding of a pistol bullet of the same caliber as the pistol of Major Cronkhite. There was no question in the minds of those present at the autopsy but that he died from an accidental self-inflicted wound.

I was also a member of the board of inquiry to investigate the circumstances connected with the death of Major Cronkhite. This

board decided, on evidence of the witnesses examined, that Major Cronkhite died from an accidental self-inflicted wound.

I was more or less closely associated with Major Cronkhite and Captain Rosenbluth from the time of my joining the regiment to the death of the former and the discharge of the latter, and at no time did I ever hear any rumor or see anything personally that would lead me to believe that these two officers were not the best of friends.

I have given the above testimony for the fact that I am informed that the State can not subpoena witnesses from without the State, and reading in the papers that this case has been taken out of the hands of the Department of Justice and put into the hands of the Washington State authorities; also to help right a wrong.

HENRY TUCKER.

Subscribed and sworn to before me this 3d day of August, A. D. 1921.

W. LESTER BALL, Notary Public.

CHAPLAIN VOICES FAITH.

Copy of a letter from Rev. Thomas J. Harron, formerly chaplain of Two hundred and thirteenth Engineers, at Camp Forrest, Ga., and Camp Lewis, Wash.:

CHURCH OF THE ASCENSION,

Westmoreland and G Streets, Philadelphia, August 18, 1921.

Mr. ROBERT ROSENBLUTH.

DEAR FRIEND: In reference to my interview with a Department of Justice agent, Mr. Chastain, I would say that I told him that I firmly believed in your innocence. My testimony to him was substantially as follows:

At mess the night before Major Cronkhite's death Major Ziejack invited the former to go to the firing range the following morning, and Major Cronkhite said that he was too busy and that he hated to lose the time. Major Ziejack volunteered to supply him with a mount, and Major Cronkhite replied to Ziejack, "You go straight to hell." The eventful morning Major Cronkhite suddenly decided to go and left the mess hall about 7.50 and started out to the range later than the rest. This, to my mind, proved conclusively that there could not have been any premeditation on the part of Captain Rosenbluth, as no one could have known of the major's (Cronkhite) going to the range that fateful day.

Moreover, I told the agent that Captain Rosenbluth was generally regarded as one of the most efficient officers in the Two hundred and thirteenth Regiment. This was generally agreed upon even by those who personally disliked Captain Rosenbluth. One officer, Lieutenant Reeves, put it this way: "He's (Captain Rosenbluth) too damned efficient."

Again, I told him that I believed that the major and captain were very friendly, as a West Point man admired the efficient officer at all times. As for Sergeant Pothier, he was generally under suspicion and distrusted by officers and men alike.

I told the agent that if the authorities really wanted to get at the real truth they would get in touch with Lieutenant Miller, the intelligence officer of the regiment, as he knew the sergeant's record—past in the old Army, and present in the late war. I also mentioned how the sergeant (Pothier), to whom I had lent money on different occasions, had tried to cheat me out of \$10, and when I, after waiting two months, threatened to take the matter up officially if the money were not returned within three or four hours, the \$10 was returned within a half hour. That same day another sergeant lost \$12.

From my experience with Sergeant Pothier, I think that he would be but too glad of an opportunity to gain notoriety. I hold no animosity toward the said sergeant, but I testified for the sake of justice, that a wrong might be undone.

At the time of the death of Major Cronkhite there was no suspicion that the death or shooting was not, as reported, accidental.

Everyone knew how impetuous the major was, and all felt the death keenly; in fact, many were somewhat superstitious on account of the "13" in Two hundred and thirteenth Regiment. Colonel Thomas, though this was never discussed by us together, will, I believe, confirm me in this opinion about impetuosity.

I also informed the agent that I thought that the charge against Captain Rosenbluth was probably helped by the natural antipathy which some had against Hebrews in general.

I know of no officer in the regiment who had the welfare of his men at heart like Captain Rosenbluth.

I was almost daily in the company of Captain Rosenbluth, and I always found him the open, earnest, and thorough gentleman.

I offered to go to see the Attorney General at any time, and at first I hesitated to give this information to Mr. Chastain, thinking it would be best to go direct to Washington, D. C.

I earnestly hope that you will soon be given justice and the unjust stigma be removed.

Yours most sincerely,

REV. THOMAS J. HARRON.

I hereby certify that I have carefully compared the above copies with the original letter signed by Rev. Thomas J. Harron and that it is a complete and accurate copy thereof.

JOSEPH W. FERRIS, Notary Public.

#### BROTHER OFFICER TESTIFIES.

STATE OF CONNECTICUT,

County of New Haven, city of New Haven, ss:

Before me, the undersigned authority for administering oaths, personally appeared one Eugene M. Caffey, captain, Corps of Engineers, United States Army, who, being duly sworn according to law, deposes and saith:

That on October 25, 1918, he was a member of the Two hundred and thirteenth Regiment of Engineers, Thirteenth Division, stationed at Camp Lewis, Wash. That he was well and personally acquainted with Maj. Alexander P. Cronkhite, Two hundred and thirteenth Engineers, and Capt. Robert Rosenbluth, Two hundred and thirteenth Engineers, having served with both of them since the middle of August, 1918. That there was no ill feeling or animosity of any kind or description between these two officers, nor any cause for such.

That on the day in question the regiment went on a short march for instruction purposes. That Major Cronkhite did not leave with the regiment on the march and had no idea of going with it. A short time after the troops had left the major decided to follow and catch up with the column for the sake of the exercise involved, as he was just recovering from several days' illness. He spent some little time looking for the regimental surgeon, Major Tucker, to get his permission to



go and in securing a lunch to carry with him. He left the regimental area probably about three-quarters of an hour after the regiment. He took with him Sergt. Bugler Roland Pothier, whom he happened to see at regimental headquarters and who had no particular duty that morning.

During the course of the morning Major Cronkhite was killed. The deponent has no direct knowledge of the circumstances, as he was not present at the scene of the accident. He was told, however, within an hour or so of the accident by Captain Rosenbluth, Sergeant Pothier, Lieutenant Morrison, and Lieutenant Seaburg (one of the medical officers of the regiment who was with the column and who gave first aid to the major), all of whom were within a short distance of the accident, that the major had accidentally shot himself with his own pistol while engaged in firing at a can that he had placed on a post. A board of officers which investigated the death of Major Cronkhite reported to the same effect.

The deponent further states that there was at no time any suspicion of foul play in connection with this accident on the part of anyone in the regiment. That it was a shock to him to read in the papers that charges had been trumped up by some one involving Captain Rosenbluth in the death of Major Cronkhite. He did not, does not, and never will believe that such charges are anything except the most baseless fabrications.

The deponent was approached some weeks after the arrest of Captain Rosenbluth by an agent of the Department of Justice. This agent stated among other things that Captain Rosenbluth was a man of no standing, that he had "traveled with a pretty shady gang," and had "nothing good in his record." Deponent states such statements are lies. They were a very evident attempt to influence the deponent to make statements against Captain Rosenbluth. Deponent has seen two other officers of the regiment, Major Zajicek and Lieutenant Saunders, who told him that they did not credit the charges against Captain Rosenbluth. Major Zajicek was approached, after the arrest of Captain Rosenbluth, by agents of the Department of Justice who attempted to blacken the character of Captain Rosenbluth.

Deponent has been told that a former lieutenant named Rustenback is in a large measure to blame for the framing of the charges against Captain Rosenbluth. Deponent knew Rustenback well and knows him to be a person easily influenced and prone to wild fancies and to be a person whose statements should not be given credit without the most careful investigation.

Deponent also knew Pothier very well and knows that he is mentally unbalanced, underhanded, and treacherous. He had a bad reputation in the Navy and a bad reputation in the Two hundred and thirteenth Engineers. Deponent would not believe him on oath.

Further deponent saith not.

EUGENE M. CAFFEY, Captain, C. E.

Sworn to before me and subscribed in my presence this 8th day of November, 1921, at New Haven, Conn.

J. J. BACHMAN,

Captain, Field Artillery, U. S. A. Summary Court.

ASKS FOR JUSTICE.

CHICAGO, ILL., August 10, 1921.

To the Hon. J. W. SELDEN,

Prosecuting Attorney, Pierce County, Tacoma, Wash.

DEAR SIR: Inclosed please find affidavit re Captain Rosenbluth, which is prompted in the interest of justice, and for no other reason.

I sincerely hope that you will see your way clear to exonerate Captain Rosenbluth of the charge. I am quite sure that the American sentiment will unqualifiedly appreciate such a fair attitude in all such cases and particularly in this one.

Yours very truly,

ARTHUR L. MILLER.

STATE OF ILLINOIS, County of Cook, ss:

I wish to state that I was never interviewed by the Department of Justice relative to the case of Capt. Robert Rosenbluth, charged with the murder of Maj. Alexander P. Cronkhite on October 25, 1918, at Camp Lewis, Wash.

Second, I wish to state that I was intelligence officer of the Two hundred and thirteenth Engineers at that time and up to January 14, 1919, the date of my discharge from the Army. I joined the regiment at Camp Forrest, Ga., in August, 1918.

Third, I knew Major Cronkhite, Captain Rosenbluth, and Sergeant Pothier. The relations between Major Cronkhite and Captain Rosenbluth were of a most friendly nature at all times. I know of no relations that ever existed between Captain Rosenbluth and Sergeant Pothier.

Fourth, Captain Rosenbluth's character and reputation were of the highest standing, and therefore, in my judgment, he could not have been involved in any murder plot under any circumstances.

Fifth: The circumstances surrounding the accident on October 25, 1918, point clearly that there could not have been any plot on that day. Major Cronkhite's decision to accompany the march was made at the breakfast table at the last minute, unexpectedly to all of us. In fact, it was my sergeant who supplied him with a pack and gun while the column was already formed. All this clearly shows any premeditated plot on that day to be impossible. The first news of an alleged murder plot that reached me was early in 1921 through the newspapers. The general opinion of all at the time was that death occurred from a self-inflicted wound by accident.

ARTHUR L. MILLER.

Subscribed and sworn to before me this 10th day of August, A. D. 1921.

[SEAL.]

ARTHUR KRIEG, Notary Public.

VIRW OF ENLISTED MAN.

WASHINGTON, D. C., April 20, 1921.

STATEMENT OF ELMER D. KIEFFER.

I, Elmer D. Kieffer, of Norwood, Pa., being duly sworn, on oath depose and say as follows:

I was attached to Company C, Two hundred and fourteenth Engineers, stationed at Camp Lewis, Wash., from the 9th of October, 1918, until January 30, 1919, and was a member of said Company C at the time of the occurrence of the events on October 25, 1918, hereinafter set forth.

On October 25, 1918, Company C, with several other companies of the regiment, was ordered on a hike across country. When about 2 miles out of camp the regiment was ordered at rest, and at this time I first saw Major Cronkhite, accompanied by Sergeant Pothier, who had

come up to the spot where the regiment was resting. They did not come along the same road that we had traveled but appeared from a different direction through the woods. Neither Major Cronkhite nor Sergeant Pothier was with the regiment at the time we left camp. I was in the first platoon of Company C, and after the hike was resumed I saw Major Cronkhite and Sergeant Pothier from time to time, who were walking quite some distance ahead of the column. During the hike I heard several shots coming from the direction in which Major Cronkhite and Sergeant Pothier were walking. I remember this distinctly, because of the very unusual fact of any of the officers or men having ammunition with them while on a hike.

After Major Cronkhite had joined the company and before reaching the scene of the accident, referred to hereafter, the company fell out frequently for rest periods while proceeding through the woods. During one of these rest periods I distinctly remember seeing Major Cronkhite somewhere in front, but I do not recall the exact location nor do I remember noticing where Captain Rosenbluth was at this time.

During the rest period on the last halt of that day I had stepped out of the ranks and across the road, and as I did so I noticed Sergeant Pothier about 100 feet away, down the slight declivity of the road on the same side as I was standing, ahead of the column. I also saw Major Cronkhite, who was on the other side of the road about 15 or 20 feet from Sergeant Pothier. My attention was particularly directed to Major Cronkhite, because at that time he was engaged in shooting at some object located to the right of the direction in which the column was facing. I saw Major Cronkhite take a shot at this object, after which he walked in its direction. I could see both Major Cronkhite and Sergeant Pothier very distinctly at this time, and I am sure that Sergeant Pothier did not have any weapon in his hands. At this time I am certain that Captain Rosenbluth was not at the front of the formation, as I recall that Captain Rosenbluth passed the spot where I was standing, going toward the head of the formation very shortly after I saw Major Cronkhite take this shot.

I did not pay any more attention to this occurrence, but remember hearing one or two other shots, and the next thing I recall hearing was some one call for a doctor. I do not remember any further shots being fired after the doctor was called for.

Shortly after this Lieutenant Seaburg, a doctor attached to the regiment, asked for volunteers to carry the major to the artillery range. I, together with three other men, ran forward, and I saw the major lying on the ground. Lieutenant Seaburg was with him, but Captain Rosenbluth was not there at this time. The whole thing happened very quickly, and it is my recollection that not more than three minutes elapsed between the time of the last of these shots and the call for volunteers.

It was at first thought by those in charge that it would be necessary to carry Major Cronkhite over the hill to the artillery range, as it was doubtful whether an ambulance could reach that part of the woods where the accident occurred, but upon some one's suggestion that an ambulance could get through it was decided to let him remain there until the ambulance arrived. There was a can on top of a post a few feet away, which I later removed to use as a prop for the fireplace erected to cook our meal.

It was my opinion and the opinion of everyone there at the time, so far as I know, that Major Cronkhite had shot himself accidentally. I was demobilized at Camp Meade, Md., on February 13, 1919, and the incidents here related had practically passed out of my mind until I read in a paper about a month ago of the arrest of Captain Rosenbluth in connection with the death of Major Cronkhite. I thought it was an outrageous thing that Captain Rosenbluth should have been accused of this crime and immediately wrote him a letter, in which I stated my willingness to be of service to him in this matter, but I did not mail this letter, as I was not sure of Captain Rosenbluth's address. Several weeks thereafter I read in the papers in one of the articles telling of the arrest of Captain Rosenbluth that Major Tucker, who was also attached to the regiment at Camp Lewis at the time I was there, was living in Philadelphia at 1818 Pine Street. On the occasion of a visit which I made to Philadelphia on April 19, 1921, I went to see Major Tucker and told him what I knew about this affair, and he called Captain Rosenbluth's attorney, Mr. J. J. Goldstein, in New York, giving Mr. Goldstein my address and telephone number. Thereafter Captain Rosenbluth called me on the telephone and at his request I went to see him. This is the only time I have seen or heard from Captain Rosenbluth from the time of my transfer from Camp Lewis, Wash., to Camp Meade, Md., for discharge down to the present time.

No person has ever questioned or interviewed me as to my knowledge of the affair, and this statement is made entirely and wholly from my recollection of the events which transpired on October 25, 1918, without any stimulation or suggestion of any kind or character from Captain Rosenbluth or anyone else, and my sole and only object in making this statement is for the purpose of doing what I can to see that justice is rendered a man whom I know to be innocent.

ELMER D. KIEFFER.

Signed and sworn to before me this 20th day of April, 1921.

G. G. GALLTY, Notary Public.

SERGEANT OFFERS AID.

PENSACOLA Y. M. C. A.,

Pensacola, Fla., March 26, 1921.

DEAR MR. ROSENBLUTH: I understand from the newspapers that you have been charged with the killing of the late Major Cronkhite on October 25, 1918. I was very sorry to see that in the press reports, for I was present as a sergeant of Company A, Two hundred and thirteenth Engineers, at the time in question, and can not see how these charges can be proven true, knowing what I do of the circumstances. For that reason I stand ready to help you in any way possible to prove that these charges placed against you are false. While a long trip and court trial would be unpleasant in many ways, I stand ready, if necessary, to go upon the stand as a witness in your behalf. To what I can testify is this:

I was a sergeant in Company A, Two hundred and thirteenth Engineers. Major Cronkhite had recently left the hospital from an attack of influenza and appeared unwell. I was told he was advised by Colonel Thomas not to participate in the hike. The skeleton regiment, composed largely of noncoms, due to the influenza quarantine, started on a hike on the morning of October 25, 1918. Major Cronkhite was in command, and I understood that Colonel Thomas was to join the regiment at our noon halt. We moved in a general southeasterly direction from Camp Lewis, going through patrol formations and problems on the way. At a place on the road where there was an abandoned schoolhouse on the left and a machine-gun range in front we halted to regain our regimental formation.



At that time I saw Major Cronkhite for the first time since the start of the hike. We turned to the right into the woods, passing over about a mile of undulating ground, heavily wooded, the trail so narrow as to force the command "Right by file—March." Being acting first sergeant of Company A, I was at the head of the column. At a point where there was a clearing on the right and a barn diagonally to the right and front we formed column of fours and halted. I understood this to be the place where we were to make our noon halt and cook dinner. The regiment was standing on the road in column of fours when Major Cronkhite and Sergeant Bugler Roland Pothier passed me from the rear, went forward a few yards and turned to the right behind some bushes. A few seconds later I heard four shots from that direction. Immediately after the last shot you passed me from the rear and went forward to see where the major and sergeant bugler were. You immediately stepped back into the road and called for Lieutenant Sieburg, the doctor. He went forward and in a few seconds either you or Lieutenant Sieburg stepped back into the road and called for a man with knowledge of artificial respiration. I had that knowledge and so did Bugler Wuthenow of Company A. All officers of Company A being absent, I felt that I was in command of Company A in case of orders to move (First Sergeant Bradshaw being in the hospital), so I sent Bugler Wuthenow forward. A few minutes later the regiment was moved into the clearing to the right, our packs let down and we stood at rest waiting further orders. While standing there in regimental front we learned that Major Cronkhite had been shot and killed. Before leaving the road a runner was sent back down the trail to try to intercept the machine-gun ambulance at the machine-gun range, and Lieutenant Morrison was sent back through the woods to the camp to notify regimental headquarters. In a few minutes Lieutenant Miller assumed command of the regiment and marched us in single file back to the road at the machine-gun range, then in column of fours back toward camp.

The general opinion among the men, an opinion in which I concurred, was that the major's revolver was discharged accidentally when his thumb probably slipped off the trigger as he snapped the revolver back to his shoulder to cock it for the fourth shot. Some few raised the question of suicide. Sergeant Bugler Pothier seemed to be insensible as to what had happened. Sergeant Root told me that the revolver the major was using was a six-shooter that he (Sergeant Root) had loaned to the major, as the major's was out of order. Bugler Wuthenow told me that he loaned over the major to administer artificial respiration and that Lieutenant Sieburg had evidently assumed the major's death to be due to the shock from the gun's concussion and his weakened condition. Bugler Wuthenow said that he opened the major's shirt and found a bullet hole, then turned to Lieutenant Sieburg and said, "Why, this man has been shot"; Lieutenant Sieburg looking and answering, "Why, so he has." Bugler Wuthenow told me that he himself was the one who foiled the major's arms and closed his eyes to prevent the body stiffening in its then present condition. Bugler Wuthenow also told me that a tobacco can had been put up on a tree as a target, the first three shots being so close together as to be covered by a silver dollar. Bugler Wuthenow told me that the bullet entered the major's right breast beneath the collar bone and lodged in the small of his back, the major being dead when he arrived. You were not there when the shots were fired. I know of no arguments, disagreements, or rivalry between you and the major. Unless the major had been standing so as to face us men and fire directly in our direction (something which is inconceivable, due to his military experience), I do not see how it would have been possible for you to have fired the shot that killed him, as you were standing back of me in the column during the firing. I certainly heard no shots from any other direction than from the major's gun. The intervals between shots appeared equal.

My reason for writing this letter is justice, for I believe you to be innocent of the charges preferred against you. While a long trip and court trial would be, as I said before, unpleasant in many ways and something which I can not undertake at my own expense, the question of unpleasantness is of no weight whatever if I can be of material help to you in clearing you of these charges. I would not be a man were I to sit here and see such accusations prosecuted.

Believe me, Mr. Rosenbluth, I wish you every success and good fortune in this unpleasantness, and remain

Cordially yours,

FRANK B. TURNER.

Subscribed and sworn to before me this 26th day of March, 1921.

ARTHUR L. KESSE, Notary Public.

My commission expires February 24, 1925.

#### TELLS NEW DETAILS.

STATE OF ILLINOIS, County of Peoria, ss:

Elmer W. Seaburg, being first duly sworn, upon oath states that he is the same person who, on the 26th day of March, A. D. 1921, made a written statement with reference to the death of Major Cronkhite at Camp Lewis, Wash., on the 25th day of October, A. D. 1918; that since the making of said statement this affiant has refreshed his recollection and given the matter further consideration, and, as a supplement to and explanation of said statement, further states:

That when this affiant first came to the point where Major Cronkhite was being supported by Captain Rosenbluth and the others present were of the impression that the major was suffering from a heart attack; that as soon as this affiant came running up to the point he remembers that Captain Rosenbluth, in substance, cried out, "I think his heart failed; give him aromatic spirits or a hypodermic"; that while this affiant was preparing to administer the hypodermic some one—this affiant believes it was Captain Rosenbluth—asked this affiant if it would do any good to try artificial respiration; and this affiant, still believing that the weakened condition of the major was caused by heart failure, told the captain that it would do no harm, and thereupon artificial respiration was administered by several of the men, and the hypodermic was administered afterwards by this affiant; that afterwards, upon removal of the major's clothing, this affiant discovered the bullet wound which was not noticed theretofore because of the lack of blood coming from the same; that afterwards, while waiting for the ambulance to arrive, there was some discussion as to how the accident might have happened, all of which appeared to be merely speculation, and Captain Rosenbluth then told me of Major Cronkhite shooting with a revolver at a tin can, and the captain then, as a matter of speculation, told me how it might have happened; that no one thought at the time when I first came up to the place of the accident that the major's condition was due to a bullet wound, but everyone thought that his condition was due to an attack of the heart, and it was not until after the autopsy had been made and it had been thereby proved that the bullet pierced the aorta that we felt that it was not heart failure that caused his death; that in fact it was because

this affiant had no suspicion that the major's condition was due to a bullet wound that he resorted to artificial respiration and the hypodermic, which would not have been administered and resorted to had this affiant thought that he had been shot; that it was because of the foregoing that I refer to myself worrying about whether there were things which I might have done and was only convinced that all had been done that it was possible after the autopsy had been made; that never at any time until this affiant heard of the arrest of Captain Rosenbluth did he ever hear any rumor or intimation that Major Cronkhite died otherwise than by accident and in the manner indicated in the findings of the board of inquest.

Further affiant saith not.

ELMER W. SEABURG.

Subscribed and sworn to before me this 2d day of June, A. D. 1921.

ANNA C. RIESZ, Notary Public.

Mr. McKELLAR. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Tennessee?

Mr. CALDER. Certainly.

Mr. McKELLAR. I want to ask the Senator whether there was not a court-martial about the matter?

Mr. CALDER. Yes. At the time of the unfortunate death of Major Cronkhite a board of inquiry was convened, and that board of inquiry found that Major Cronkhite had met his death through an accident, a wound inflicted by himself.

Mr. McKELLAR. That it was suicide?

Mr. CALDER. I would not say that.

Mr. McKELLAR. Substantially so?

Mr. CALDER. Oh, no.

Mr. McKELLAR. A wound inflicted by himself, and it was afterwards found when his body was exhumed that he was shot in the back, was it not? I am just asking the Senator for the information, if he has it.

Mr. CALDER. I do not know. That may be true.

Mr. McKELLAR. I was informed, though I do not know how correctly, that when his body was exhumed by the family it was found that it would have been absolutely impossible for him to have shot himself; that he was shot in the back with a kind of gun that could not have been used by his own hand to inflict the wound.

Mr. CALDER. That may be true. I do not stand in my place to-day to defend anybody, but I do stand here to insist that everything possible be done to clear this matter up. I have seen in the public prints that Senators contemplate offering a resolution of inquiry. If they do I shall join with them in securing an agreement on the resolution.

Mr. McKELLAR. What was ever done with the findings of the board of inquiry?

Mr. CALDER. The board of inquiry, I am informed, determined that he was killed through his own act.

Mr. McKELLAR. Was that finding ever set aside in any way?

Mr. CALDER. It was confirmed.

Mr. McKELLAR. By the department?

Mr. CALDER. Yes.

Mr. McKELLAR. Appealed to the department and confirmed?

Mr. CALDER. Yes.

Mr. McKELLAR. It has not been interfered with in any way?

Mr. CALDER. I so understand. But if Senators who are interested in the matter contemplate asking for the adoption of a resolution inquiring into the ending of General Cronkhite's military services, I am hopeful that they will accompany it with an effort to determine, if it can be done by any committee of this body, through all the evidence obtainable, just how Major Cronkhite was killed, to the end that justice may be done to the memory of Major Cronkhite—a splendid officer—and also that the name of Captain Rosenbluth may be cleared, if he is innocent.

Mr. GLASS. Mr. President, I have just entered the Chamber. May I ask what the Senator's request is?

Mr. CALDER. I made no request except to comment upon an article which appeared in this morning's paper and to say that I had never attempted to retard investigation of the matter, but have constantly insisted the matter should be brought to a speedy determination.

Mr. GLASS. I think the Senator is quite within his rights in doing that. He is doing what any other Senator would feel constrained to do.

Mr. CALDER. I also, Mr. President—

Mr. GLASS. I do not think the Cronkhite case in either of its aspects ought to be tried here in the Senate, certainly not at this time.

Mr. CALDER. I quite agree with that. I think what the Department of Justice should do is to clear this matter up just as early as it can be done, for everybody's sake.

I thank the Senator from Texas for yielding to me.



## ORDER FOR RECESS.

Mr. JONES of Washington. Mr. President, will the Senator from Texas yield to me for a moment?

Mr. SHEPPARD. I yield.

Mr. JONES of Washington. I ask unanimous consent that when the Senate closes its business to-day it take a recess until 11 o'clock to-morrow morning. I will state further that I will ask the Senate to recess at 10 or half past 10 o'clock to-night.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Washington?

Mr. HITCHCOCK. Will the Senator state a definite hour when the recess will be taken to-night that we may be informed—at 10 o'clock, say?

Mr. JONES of Washington. Not later than a quarter after 10.

The PRESIDING OFFICER. The Chair hears no objection to the request of the Senator from Washington, and it is so ordered.

Mr. JONES of Washington. Mr. President, I think it but fair to give notice at this time that I shall ask the Senate to remain in session all night to-morrow night.

Monday, February 19, 1923.

WORK OF THE LEAGUE OF NATIONS FROM OCTOBER 3, 1921, TO JULY 24, 1922.

Mr. SHEPPARD. Mr. President, Thursday, February 15, 1923, was the first anniversary of the founding of the Permanent Court of International Justice, perhaps the principal accomplishment of the League of Nations. On that day I announced that it had been my intention to signalize that anniversary, in so far as I might be able to do so, by continuing the account of the work of the League of Nations which I had given to the Senate on October 5, 1921. I did not desire, however, to interfere with the prompt disposition of the international debt measure which was then pending. Inasmuch as that measure has now been disposed of and a number of days remain available for the consideration of the bill now before the Senate, I feel that I may properly proceed.

In that address of October 5, 1921, I described the proceedings of the League of Nations from its beginning on January 16, 1920, to October 3, 1921. On that day the assembly, still in its second annual session, which had begun September 5, 1921, after providing that no resolution submitting an amendment to the covenant or constitution of the league should be passed during that session without receiving a three-fourths majority, including all council members represented at the meeting, voted to submit to States members an amendment to paragraph 1, article 26, of the league covenant, requiring that thereafter a three-fourths majority of States represented in the assembly, including all the council members represented therein, should be essential to the submission of amendments to States members.

The assembly then voted to submit an amendment to article 26, adding after the first paragraph a new paragraph providing that if the required number of ratifications should not be obtained within 22 months after submission the proposed amendment should remain without effect.

The assembly next voted to submit to States members an amendment to article 26, replacing the second paragraph of the article as it then existed with two new paragraphs; one providing that the secretary general of the league should inform the States members of the taking effect of an amendment; the other providing that any member of the league which had not at that time ratified the amendment should be free to notify the secretary general within a year of its refusal to accept, but in such case should cease to be a member of the league.

In order that these amendments may be more clearly understood, let me say that article 26 consisted of two paragraphs, and read as follows:

"ART. 26. Amendments to this covenant will take effect when ratified by the members of the league whose representatives compose the council and by a majority of the members of the league whose representatives compose the assembly.

"No such amendment shall bind any member of the league which signifies its dissent therefrom, but in that case it shall cease to be a member of the league."

Mr. REED of Missouri. Mr. President, does the Senator object to interruptions?

Mr. SHEPPARD. Not a bit.

The VICE PRESIDENT. Does the Senator from Texas yield to the Senator from Missouri?

Mr. SHEPPARD. I do.

Mr. REED of Missouri. Do I understand that this body adopted a rule by which it would submit amendments to the constitution, and that if a State did not accept, the State then

would be expelled from the league? Is that the meaning? Because of the confusion, I could not quite catch what the Senator said.

Mr. SHEPPARD. I shall read it again:

"The other providing that any member of the league which had not at that time ratified the amendment should be free to notify the secretary general within a year of its refusal to accept, but in such case should cease to be a member of the league."

If it felt it could not tolerate the amendment, after notice of its adoption by the league and after having voted against it in the first instance, it ceased to be a member by giving notice of refusal within a year after being advised of adoption.

Mr. REED of Missouri. So that you have to agree or you have to get out. That is the result, is it not?

Mr. SHEPPARD. Not at all.

Mr. REED of Missouri. I assume that that is intended to encourage a free expression of opinion. If you do not agree you have to get out of this heavenly organization and wander all the rest of your life alone. Did the Senator ever before hear of any proposition like that being adopted by any body calling itself legislative or constitutional—that you have to agree with what the majority says or get out?

Mr. SHEPPARD. Mr. President, this amendment if adopted would be an effective answer to the contention that once in the league a State always is in the league. One of the principal arguments made against the league was that if we once got into it we never would get out.

Mr. REED of Missouri. But we might want to stay in, in order to embrace its manifold virtues, even though some one thing was done that did not please us. Does not that bring us to the point that if a majority could be obtained for some one matter which might be highly obnoxious to a particular State it must agree to that and say it was satisfied or must get out altogether? Does the Senator know whether this was devised for the express purpose of dissolving the league gradually or simply for the purpose of preserving absolutely and for all time a majority which had been once acquired?

What I mean is this: It is entirely conceivable that a State might be dissatisfied with some particular thing that had been voted. It might remain in and try to have that action afterwards rescinded, and would have the right to do that in any ordinary body. This exalted tribunal seems to want to have it fixed so that unless you accept in toto what the majority at a particular time wants to do you must get out, leaving that old majority in complete control. Does the Senator think that is common sense?

Mr. SHEPPARD. I do not think the Senator has properly stated the amendment.

Mr. REED of Missouri. I wish the Senator would state it over again. I am interested in it.

Mr. SHEPPARD. The amendment is that a State which is so opposed to an amendment that it does not desire to stay in the league with the amendment in operation may notify the secretary general of its refusal to accept within a year after notice of its adoption and in that way may secure withdrawal from the league on its own volition. If it does not notify the secretary general of its refusal to accept, although it may have voted against the amendment when submitted, then it remains within the league.

Mr. REED of Missouri. Would it not be notice if the delegate went there the next day and said: "I move to reconsider. I protest that this is bad"? Would not that put him out the minute he opened his mouth?

Mr. SHEPPARD. I do not think so.

Mr. REED of Missouri. Does not the Senator think that it is a very wicked thing to propose a plan like this for the general disintegration of the league? Instead of keeping men in, it is putting them out into the outer darkness, where I suppose there will be weeping and wailing and gnashing of teeth, according to the old biblical statement.

Mr. SHEPPARD. If the States do not desire to adopt this amendment it will not go into effect.

Mr. REED of Missouri. But if two-thirds of them do, all the rest of them have to get out.

Mr. HITCHCOCK. No, Mr. President.

Mr. SHEPPARD. Not at all.

Mr. HITCHCOCK. They have the privilege then of withdrawing. One of the arguments which the Senator from Missouri made against this league when it was before the Senate was that a two-thirds majority might change the organization or the constitution of the league, and that would bind members of it; but what the Senator from Texas has read indicates that when an amendment is proposed, and is adopted by the necessary majority, then those who are opposed to it have the privilege of dropping out of the league.



Mr. REED of Missouri. No; that states it wrongly. They do not have the privilege of dropping out; they have to accept it or get out.

Mr. HITCHCOCK. Accepting it is the way they stay in. If they fail to accept it, then they are out. They have the privilege—

Mr. REED of Missouri. But you have to agree with a thing that you do not believe in, and accept it as a fixed principle of international law, or, the minute you protest, they kick you out.

Mr. HITCHCOCK. No.

Mr. REED of Missouri. That is a most uncharitable thing for a league of nations to do.

Mr. HITCHCOCK. My suggestion is that the Senator would object very much if we were in the league, and a two-thirds membership had the right to change the constitution of it, and we had no way of getting out if we pleased.

Mr. REED of Missouri. But does not the Senator see the difference? We might not like the thing that was done, and yet, if we were so enamoured of this institution as my friends are we might want to stay in notwithstanding the defects; but we can not stay in if we do not accept and swallow it.

Mr. SHEPPARD. Oh, yes; you can.

Mr. REED of Missouri. The minute we protest, we go out ipso facto. The protest puts us out.

Mr. SHEPPARD. Not at all.

Mr. REED of Missouri. That is the language.

Mr. SHEPPARD. I do not so construe it.

Mr. REED of Missouri. It is as hard to construe as article 10, I think.

Mr. SHEPPARD. Perhaps so, in the estimation of the Senator.

Mr. SHIELDS. Mr. President, I did not understand what the proposed amendment was; but the last clause of section 26 of the covenant of the league was that—

"No such amendment shall bind any member of the league which signifies its dissent therefrom, but in that case it shall cease to be a member of the league."

Does this amendment change that?

Mr. SHEPPARD. It does.

Mr. SHIELDS. In what respect?

Mr. SHEPPARD. It provides that any member of the league which has not at the time of adoption ratified the amendment shall be free to notify the secretary general within a year of its refusal to accept, but in such case it shall cease to be a member of the league. In other words, if it has voted against the amendment, and the amendment is adopted, and then it does not send a refusal to accept within a year from notice of adoption, it remains within the league.

Mr. FLETCHER. I should consider that that was in conformity with the suggestion of the Senator from Tennessee rather than against it.

Mr. JONES of Washington. Mr. President, may I interrupt the Senator to say that I do not want to make the point of order about Senators yielding except for questions, because I intended to give notice when I would do it, and I waited until this colloquy was finished before I suggested anything of the kind. I do not say now that I will make it, but it is getting about time when I probably shall make it before very long.

Mr. SHEPPARD. I thank the Senator, and I shall not yield except for a question.

The assembly adopted a resolution on October 3 requesting the council to prepare for the next annual session of the assembly a final and comprehensive plan for the financial administration of the league, and in the meantime to continue to regulate the finances of the league in the spirit of the principles contained in the assembly recommendation of December 17, 1920, with certain modifications.

#### PROCEEDINGS OF OCTOBER 4—FURTHER AMENDMENTS.

On October 4 the assembly voted to submit an amendment to article 16 of the league covenant, the article dealing with the economic weapon of the league, adding a new paragraph to follow the first paragraph of that article and to read as follows:

"It is for the council to give an opinion whether or not a breach of the covenant has taken place. In deliberations on this question in the council the votes of members of the league alleged to have resorted to war and of members against whom such action was directed shall not be counted."

The assembly then voted the submission of an amendment to article 16 to constitute the third paragraph of that article and to read as follows:

"The council will notify all members of the league of the date which it recommends for the application of the economic pressure under this article."

The assembly next voted to submit an amendment to be known as paragraph 4 of article 16, and to read as follows:

"Nevertheless the council may, in the case of particular members, postpone the coming into force of any of these measures for a specified period where it is satisfied that such a postponement will facilitate the attainment of the object of the measures referred to in the preceding paragraph, or that it is necessary in order to minimize the loss and inconvenience which will be caused to such members."

The assembly next agreed to the proposal of an amendment to article 16, making the first paragraph, which now reads:

"Should any member of the league resort to war in disregard of its covenants under articles 12, 13, or 15 it shall ipso facto be deemed to have committed an act of war against all other members of the league, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention of all financial, commercial, or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a member of the league or not."

To read as follows:

"Should any member of the league resort to war in disregard of its covenants under articles 12, 13, or 15 it shall ipso facto be deemed to have committed an act of war against all other members of the league, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between persons residing in their territory and persons residing in the territory of the covenant-breaking State, and the prevention of all financial, commercial, or personal intercourse between persons residing in the territory of the covenant-breaking State and persons residing in the territory of any other State, whether a member of the league or not."

The assembly then resolved that the resolutions and the proposals for amendments to article 16 which had been adopted by the assembly should, so long as the amendments had not become effective in the form required by the covenant, constitute rules for guidance which the assembly recommended as a provisional measure to the council and to the members of the league in connection with the application of article 16.

The assembly next voted to postpone consideration of the amendment to article 1 of the covenant proposed by the Argentine delegation at the first assembly on December 4, 1920, and which provided that all sovereign States recognized by the community of nations be admitted to join the League of Nations in such manner that if they do not become members of the league this can only be the result of voluntary decision on their part. One of the reasons recited for the postponement was the absence of the Argentine delegation.

The amendment to article 3 of the covenant proposed at the first session of the assembly by the Governments of Denmark, Sweden, and Norway, and which provided that a certain number of members of the league might convene a session of the assembly at any other time than that fixed in the covenant, was withdrawn by the representatives of these Governments.

Amendments proposed by the Norwegian and Swedish Governments at the first session of the assembly to articles 12 and 13 of the covenant, and which related to procedure in matters of arbitration and conciliation, were not adopted, but the council was invited to appoint a committee to study the principles embodied in the proposed amendments and to report to the next assembly.

An amendment proposed at the first session of the assembly to article 13 by the Danish, Norwegian, and Swedish Governments, and which sought to establish in the covenant the principle of compulsory arbitration, was not concurred in.

The assembly then proceeded to discuss amendments relating to articles 12, 13, 14, and 15, made necessary by the establishment of the Permanent Court of International Justice.

Representative Zahle, of Denmark, said that the creation of this court made it desirable to mention explicitly the method of judicial settlement by the court in the articles of the covenant which enumerated the methods of settlement of disputes between the members of the league and amendments to that end were then proposed by the assembly to articles 12, 13, and 15.

In reference to article 21 of the covenant, the article confirming the validity of international engagements such as treaties of arbitration or regional understandings like the Monroe doctrine for securing the maintenance of peace, it was resolved to propose no amendment, and it was declared that agreements between members of the league tending to define or complete the engagements contained in the covenant for the



maintenance of peace or the promotion of international co-operation should be regarded as of a nature likely to contribute to the progress of the league in the path of practical realizations—that such agreements might be negotiated under the auspices of the league, for example, in special conferences and with its assistance.

The assembly decided to postpone until its next annual session the proposed amendment of the Canadian delegation repealing article 10.

As to protection of minorities, it was decided to make no change for the time being from the resolution of the council adopted at Brussels October 25, 1920, and providing that the president and two members appointed by him should consider any petition or communication addressed to the League of Nations with regard to an infraction or danger of infraction of the clauses of the treaties for the protection of minorities.

It was announced that Haiti had agreed to the compulsory jurisdiction of the Permanent Court of International Justice.

PROCEEDINGS OF OCTOBER 5—AMENDMENTS, ELECTION OF NONPERMANENT MEMBERS OF COUNCIL, ADJOURNMENT.

On October 5 the assembly discussed the advisability of amending article 18 of the covenant, the article requiring the registration of treaties with the league, and decided to postpone action for another year, the resolution of postponement indicating the belief of the assembly that this article should not be construed literally, that exceptions were permissible in order to give proper effect to the spirit of the article; that is, the prevention of secret engagements imperiling world peace or justice. It developed in the debate that nations could not be expected to register all treaties relating to financial and other domestic conditions.

The amendments of the Colombian and Netherlands Governments to article 5 of the covenant, the article relating to the principle of unanimity in council and assembly action, were withdrawn.

It was decided to propose an amendment to article 6 of the covenant by substituting for the last paragraph, which read as follows: "The expenses of the secretariat shall be borne by the members of the league in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union," the following paragraph: "The expenses of the league shall be borne by the members of the league in the proportion decided by the assembly." It became apparent during the discussion that the apportionment system of the Universal Postal Union had not worked satisfactorily for the league.

It was then decided to propose another amendment to article 6 by adding another paragraph providing that the allocation of league expenses already recommended by the committee appointed by the assembly for that purpose should be applied as from January 1, 1922, until a revised allocation had come into force after adoption by the assembly.

Rule 4 of the rules of procedure of the assembly was amended by the addition of a paragraph to the effect that no proposal for a modification of the allocation of expenses for the time being in force should be inserted in the agenda unless it had been communicated to the members of the league at least four months before the date fixed for the opening of the session.

Rule 14 of the rules of procedure was amended by a provision that resolutions involving expenditure should not be voted by the assembly before the financial committee had expressed its opinion on the advisability of the proposed expenditure with regard to general budgetary resources.

The assembly then adopted a resolution to the effect that the nonpermanent members of the council should in future be elected according to a system of rotation for a fixed period, present incumbents to be reappointed for 1922, and that in the absence of any decision regarding the number of the nonpermanent members of the council it would be inexpedient to lay down precise rulings in consideration of the fact that at the election to be held the next year account would be taken, both as to the determination of the entire period of office for each member and as to the conditions of reeligibility, of the period already spent in office.

It was next decided to propose an amendment to article 4 of the covenant, the article defining the council, by inserting between the second and third paragraphs a new paragraph providing that the assembly should fix by a two-thirds majority the rules dealing with the election of the nonpermanent members of the council and particularly such regulations as relate to their terms of office and conditions of reeligibility.

A resolution was agreed to expressing appreciation of the work of the committee on amendments which, under the chairmanship of Mr. Balfour, had done the preparatory work for

the proceedings of committee No. 1, and agreeing that the council would refer to the consideration of that committee the draft amendments which had been adjourned and the proposed amendments which might be submitted to the next assembly.

Belgium, Brazil, China, and Spain were then elected nonpermanent members of the council for the ensuing year.

Prince Arfa-ed-Dowleh, representative of Persia, then addressed the assembly. I give his address in full because, brief as it is, it throws a vivid light on the world scope of the league. He said:

"Gentlemen, in my first speech here I had the honor to explain to you that the League of Nations is regarded in the East as a center of peace and equality.

"As you know well, there are more than 300,000,000 Mohammedans in the world. Hitherto in all international conferences there have been two representatives of the world of Islam—Turkey and Persia. At present, by reason of the unfortunate Greco-Turkish War, Persia is the only representative. With all my heart I hope to see the end of this terrible war in order that at the next session the Mohammedan world may have in this assembly its established representation. Moreover, as Afghanistan has just been reorganized as free and independent, I trust that circumstances will permit her also to send representatives to this assembly, and I hope, too, that we shall see representatives from Hedjaz, Mesopotamia, and from the Republic of Caucasian Azerbaidjan.

"I can assure you, gentlemen, that the entry of these countries into the League of Nations will be of the greatest benefit to the peace and tranquillity of the world.

"The League of Nations is an army fighting for peace. The more combatants there are in its ranks the surer will be its victory."

The president of the assembly then announced that the second assembly of the League of Nations had arrived at the end of its labors.

Reviewing these labors, he concluded with the following expressions:

"Here in a few brush strokes is the incomplete picture of the work we have accomplished. The world will judge it, but it must realize that what above all in my humble opinion has marked this session is the spirit which has been shown here—the spirit of closer cooperation, the conviction of work accomplished, and the feeling of confidence joined to the enthusiasm which marked our first labors last year. These are imponderable factors, but they are pregnant with promise justifying a growing faith in the future of the League of Nations and encouraging those who will have to continue our efforts. We ask the press, our faithful companion, to carry to the whole world a message that the League of Nations, the political and moral expression of the interests which unite all peoples, is not a mirage but a reality."

FOURTEENTH SESSION OF COUNCIL, HELD AT GENEVA BEGINNING AUGUST 30, 1921.

In my address to the Senate of October 5, 1921, I stated that the fourteenth session of the council began at Geneva on September 1, 1921, and I outlined most of its transactions to October 3, 1921, in connection with my account of the assembly, which began September 5. I find on further investigation that the council's fourteenth session began on August 30, 1921, and I shall now, for the sake of greater clearness, give a separate review of the proceedings of that session.

Attending the fourteenth session of the council were Mr. Wellington Koo, President, representing China; Mr. Paul Hymans, representing Belgium; Mr. Gastao da Cunha, representing Brazil; Mr. A. J. Balfour, representing the British Empire; Mr. Leon Bourgeois, representing France; Marquis Imperiali, representing Italy; Viscount Ishii, representing Japan; Mr. Quinones de Leon, representing Spain.

SAAR BASIN.

On the first day of the council's fourteenth session—August 30, 1921—Mr. Wellington Koo, representative of China, reported on the subject of the appointment of the Saar Basin member of the Saar Basin Governing Commission, stating that the term of Doctor Hector, who had been appointed as such member on September 20, 1920, on the acceptance of the resignation of Mr. von Boch, the original Saar member, would expire on September 20, 1921, that the other four members of the commission—Major Lambert (Belgian), Count de Moltke-Huitfeldt (Dane), Mr. Rault (French), chairman, Mr. R. D. Waugh (Canadian)—had been reappointed by the council on February 21, 1921, to serve until February 13, 1922; that in accordance with the Versailles treaty it was now the council's duty to appoint a native inhabitant of the Saar Basin to the commission for one year from September 20, 1921, and recommended that



Doctor Hector, of Saarlouis, be reappointed for such year, with thanks for his services. The report and recommendation were adopted.

#### ADHESION OF SAAR BASIN TO BERNE CONVENTION.

Mr. Koo then presented a report to the council on the adhesion of the Saar Basin to the Berne Convention. He called attention to the fact that in a note of July 4, 1921, to the secretary general of the league, the chairman of the Saar Basin Governing Commission had stated that the German Government was opposed to the adhesion of the Saar Basin to the International Railway Transport Convention of October 14, 1890 (Berne Convention); that as a result the Saar railway system was placed in a position of actual subjection to Germany, and had requested, after indicating the unsatisfactory nature of the situation, that the council of the league intervene in order that the Saar Basin might be allowed to adhere to that convention. After discussing the matter at length Mr. Koo moved that the advisory and technical committee on communications and transit of the League of Nations be requested to give the council an opinion on the communications and transit questions raised by the request of the Saar Basin Governing Commission for adhesion to the Berne Convention.

The report and motion were adopted.

#### PROTECTION OF MINORITIES IN RUMANIA AND HUNGARY.

Mr. Balfour moved that whereas under article 12 of the treaty between the principal allied and associated powers—that is, United States, British Empire, France, Italy, and Japan, on the one hand, and Rumania on the other, signed at Paris, December 9, 1919—Rumania had agreed that the stipulations of articles 1 to 11 of the treaty, so far as they affected persons belonging to racial, religious, or linguistic minorities, constituted obligations of international concern and should be placed under the guaranty of the League of Nations, it be resolved by the council that such stipulations were thereby placed under such guaranty.

The motion was adopted, as was a similar motion by Mr. Balfour as to Hungarian minorities.

#### NEUTRALIZATION OF AALAND ISLANDS.

The secretary general announced that on August 10 the following Governments, to wit, Denmark, Estonia, Finland, France, Germany, Great Britain, Italy, Latvia, Poland, and Sweden, had been invited to send representatives to a conference in accordance with the council's resolution of June 24, relating to nonfortification and neutralization of the Aaland Archipelago. His action was approved.

#### WORK OF THE EPIDEMIC COMMISSION OF THE LEAGUE.

Dr. Norman White, Chief of the League's Epidemic Commission, then stated that a detailed report of the work of the commission since its inception in resisting epidemic conditions in Poland and in cooperating with the Epidemic Commissariat of the Polish Government, was being prepared for the council and the coming session of the assembly.

He said that subscriptions to the work had been paid as follows: Bulgaria, Aug. 20, 1920, £27; Persia, Sept. 1, 1920, £2,000; Siam, Sept. 6, 1920, £1,000; Japan, Jan. 6, 1921, £5,316 15s. 10d.; Sweden, Jan. 6, 1921, £3,000; Switzerland, Jan. 6, 1921, £2,150 10s. 9d.; Belgium, Jan. 14, 1921, £1,000; Great Britain, Jan. 17, 1921, £50,000; Greece, Jan. 21, 1921, £10,000; Austria, Feb. 9, 1921, £42 17s.; Finland, Feb. 15, 1921, £500; Peru, Mar. 14, 1921, £363 12s. 9d.; Albania, Mar. 25, 1921, £981 7s. 5d.; Canada, June 4, 1921, £41,905, 17s. 10d.; Denmark, June 11, 1921, £5,000; Norway, July 21, 1921, £1,919 7s. 9d.; China, Aug. 2, 1921, £2,000; making a total of £126,397 9s. 4d. The following countries, he said, had not yet paid their subscriptions: France, Germany, Honduras, Netherlands, Spain, Uruguay. Of the amount paid in, about £119,000 had been expended as follows: Hospital and sanitary equipment, £22,397; motor ambulance and other transport, £15,892; clothing, £13,166; drugs, £4,913; soap, £4,470; foodstuffs, £15,772; construction, completion, or repair of bathing and disinfecting establishments, and epidemic hospitals, £35,000; freight, insurance, port dues, etc., £3,051; salaries, traveling expenses, office expenses, etc., £4,406.

Assistance to the Polish health administration had taken the form of supplies of articles and stores most difficult to obtain, motor ambulance and other transport facilities in area most needed—that is, northern portion of most eastern area under Polish administration—foodstuffs and hospital equipment in that area, equipment for quarantine stations, through which prisoners of war, refugees, and emigrants returning from Russia were to pass, and so forth.

All arrangements had worked successfully and the percentage of loss was unexpectedly small. The epidemic situation was far more satisfactory than a year before.

#### UPPER SILESIAN QUESTION.

The council accepted the task of solving the question of Upper Silesia, which had been submitted to it by the supreme council of the allied powers, and appointed a committee to take up the matter, as before described.

#### DEPORTATION OF WOMEN AND CHILDREN IN TURKEY AND NEIGHBORING COUNTRIES.

Representative da Cunha, Brazil, stated that information received from members of the commission appointed by the council to inquire into the question of the deportation of women and children in Turkey and neighboring countries seemed to show that while a considerable number of Armenians, 90,819, had been reclaimed, an almost equal number of Christian women and children remained in Turkish houses; that immediate action was needed in a problem of such magnitude; that the commission had made various suggestions as to the continuance and extension of this work. He moved, therefore, that the report of the commission be placed before the assembly and that a member of the commission be invited to attend the meetings of the assembly at which this question should be discussed. The motion carried.

No meeting of the council seems to have been held on September 1, and for this date in my address of October 5, 1921, that of August 30 should be substituted.

#### FRONTIERS OF ALBANIA AND PROTECTION OF RACIAL MINORITIES.

The second meeting of the council at its fourteenth session was held on September 2, and it was decided on that date that all questions connected with Albania, frontiers, minorities, and so forth should be referred to the assembly.

#### PROVISIONAL HEALTH COMMISSION AND INTERNATIONAL INTELLECTUAL COOPERATION.

Decisions on this day of the council relating to a provisional health commission and international intellectual cooperation have been set out in my address of October 5, 1921.

#### RUSSIAN REFUGEES.

The council then heard a report by the secretary general as to the proceedings of a conference held by interested countries at the instance of the council on the subject of Russian refugees. It appeared, among other things, that Doctor Nansen had been appointed high commissioner to look after these refugees and that he would arrive at Geneva shortly. The council resolved that the league should be asked to consider financial assistance to the work of Doctor Nansen should it become necessary.

#### REPORTS OF BLOCKADE AND COMMUNICATIONS COMMITTEES.

The international blockade committee and the advisory committee for communications and transit announced that their reports were ready for transmission through the council to the assembly.

#### APPOINTMENT OF CHAIRMAN OF COMMITTEE ON WATERWAYS IN DANUBE BASIN.

The council decided to appoint Mr. Chargueraud chairman of the permanent technical commission for the régime of waterways in the Danube Basin, under authority of article 293 of the treaty of Trianon. The duty of the commission was the settlement of all questions relating to the régime of waterways in the Danube Basin. The ambassador's conference had on June 6 urged the council to act as soon as practicable, stating that urgent necessity existed for prompt action. The treaty of Trianon required that the chairman of this committee should be appointed by the council.

#### MANDATES.

Proceedings of the council in respect to mandates on September 3 are outlined in my address of October 5, 1921. On September 8 the president of the council addressed, on behalf of and by authority of the council, a letter to the principal allied powers urging that negotiations with the United States regarding mandates be speedily brought to a satisfactory conclusion.

#### TEMPORARY MIXED COMMISSION FOR REDUCTION OF ARMAMENTS.

On September 12 Mr. Leon Bourgeois, representative of France, announced to the council that there had just been received from the temporary mixed commission for reduction of armaments its report on the questions submitted to it; that the commission was to be congratulated on its activity; that it had met for the first time about the end of July and a second time at the beginning of September; that in the short time at its disposal it had accomplished much useful work and had established an admirable program of subsequent investigation.

He suggested that the council, before discussing the questions raised in the report, and while reserving decisions within its competence, accede to the wish expressed by the third assembly committee by immediately communicating the report to that committee in order that the council might have the benefit of



discussion by the committee and the assembly. The suggestion of Mr. Bourgeois was agreed to.

PERMANENT ADVISORY COMMISSION FOR MILITARY, NAVAL, AND AIR QUESTIONS.

On September 12 the council received a communication from the permanent advisory commission for military, naval, and air questions. It began by stating that on September 8, 1921, a member of the assembly, Lord Robert Cecil, had in a speech before the assembly criticized the work of the commission; that these criticisms of the commission were in reality criticisms of the council, for which the commission acted as a technical advisory body; and that the best answer was a full statement of the work of the commission.

That work was of two kinds, one consisting of giving opinions when required by the council which had covered examination of forces of States not original members of the league but applying for membership, gas as a weapon of warfare, exercise of right of investigation as laid down in the treaties of peace, military defense of the free city of Danzig, and so forth; the other relating to plans under article 8 of the covenant for reduction of armaments, private manufacture of war material, and exchange of information. The permanent advisory commission had begun the examination of these matters in 1920, without waiting to be asked to do so, and had pursued the work as far as possible, considering the conditions on which the assembly had made the final solution depend.

The council at its meeting in February, 1921, had stated that the permanent advisory commission for military, naval, and air questions had already begun to consider the reduction of armaments in accordance with article 9 of the covenant and had submitted the first opinion to the council in its report of December 11 at Geneva; that the problem was one calling for profound study carried out with a view to finding progressive solutions; that these solutions were themselves concerned with conditions, some of which, such as the execution of the military, naval, and air clauses of the treaties, were outside the scope of the league, while others, such as the enforcement of the execution of these clauses by means of the exercise of the right of investigation, would one day come within its sphere.

The council's statement had contained the further assertion that when the council on December 11, 1920, adopted the procedure proposed by the permanent advisory commission as to the exercise of the right of investigation it took a step toward the solution of the question of the reduction of armaments and removed in advance one of the objections put forward by the governments against the carrying out of article 8, that the standard questionnaire adopted by the council on the suggestion of the advisory commission would facilitate the application of article 8 as soon as it was possible to exchange the information referred to in said article; that these were the efficient measures taken by the council at the instance of the commission to continue its work; that the commission had not been hindered by any lack of expert knowledge but rather by the policy of the governments and the conditions laid down by them with regard to any undertaking relating to a definite reduction of armaments; that these conditions were familiar to the council and that the assembly itself had declared that the question of the limitation of armaments had depended upon them in the first place; that it would take time to improve these conditions, but the essential work would be carried out and would continue to engage the attention of the council during its progressive stages.

The council's statement had then referred to the fact that the assembly had called for the institution of a temporary commission possessing the necessary competence in political, social, and economic questions connected with armaments to enable it to undertake the study of this problem in collaboration with the existing permanent advisory commission; that in instituting the temporary commission the assembly's evident desire was that the question should be considered from the social point of view, as well as the technical and material; that the way to accomplish this was to set up a temporary mixed commission comprising a certain number of distinguished political personalities of undisputed authority, and some technical members from existing league organizations, such as the permanent advisory commission, the economic and financial sections of the provisional economic and financial commission, and the governing body of the labor office; that such a mixed commission would be able to coordinate its work with that of the technical organizations, and especially with that of the permanent advisory commission on military, naval, and air questions.

The communication from the permanent advisory commission then stated that it seemed that certain members of the temporary mixed commission on armaments had lost sight

of these considerations when they opposed the right of members of the permanent advisory commission to be spokesmen for their commission, and requested the council once again to define the rôle of mandatories assigned to delegates of the permanent advisory commission sitting on the temporary commission on armaments, and to insist on the close relations which should exist between the two commissions.

The council in reply expressed high appreciation of the services of the permanent advisory commission and said that before giving an opinion as to the status of delegates from the permanent commission to the temporary commission it wished to confer with the president of the latter.

CONFERENCE ON TRAFFIC IN WOMEN AND CHILDREN.

On September 12 Mr. Fisher, representative of Great Britain who had taken Mr. Balfour's place, called the council's attention to the fact that at its meeting on February 22 the council, pursuant to a resolution by the assembly of December 15, had summoned an international conference on traffic in women and children; that the conference had met in Geneva from June 30 to July 5 and had recommended (1) that all States which had not ratified or adhered to the existing international instruments should be urged to do so both for themselves and their colonies; (2) that the secretariat of the league should prepare an annual report, and that a permanent advisory committee should be constituted to advise the council on these matters; (3) that certain additions to or modifications in the existing international agreement and convention on this traffic should be made.

The speaker said that the conference had made substantial progress and suggested that the council approve its recommendations and authorize the secretariat to take the action indicated; that the following States be invited to nominate representatives on the proposed advisory committee: France, Denmark, Chile, Great Britain, Japan, and possibly one of the mid-European States, Austria, Germany, or Czechoslovakia, and that three assessors be nominated by societies mentioned by the conference; that a draft convention which had already been prepared embodying recommendations by the conference for changes in existing international instruments and conventions be referred to the assembly. These suggestions were approved and adopted by the council.

REQUEST SUBMITTED BY AUSTRIA FOR LEAGUE INTERVENTION.

Viscount Ishii, representative of Japan, stated to the council on September 12 that the secretary-general of the league had received communications from the chief Austrian delegate to the second assembly and from the representative of the Austrian Government with the secretariat of the League of Nations, respectively, the first stating that regular Hungarian troops in conjunction with irregular bands had made incursions into Austrian territory; that several Austrian guards had been killed or wounded; that renewed attacks were feared, and that the writer had been instructed by his government to draw the council's attention to these facts and to request the intervention of the council under articles 10, 11, and 17 of the covenant to assure the integrity of Austrian territory against aggression; the second stating that the Austrian Government had also referred its claims against Hungary to the conference of ambassadors whose intervention seemed to be specially indicated in view of the putting into force of the treaty of peace of Trianon; that the conference of ambassadors had just addressed a note to the Hungarian Government; that the Austrian Government wished to inform the members of the League of Nations of the violation of its territory in order that they might be completely informed, and that the writer would supply the council with all additional information.

Viscount Ishii then proposed that a reply be addressed by the council to the chief Austrian delegate stating that both communications had been received and noted; that the council had observed that the Austrian Government had informed the ambassadors' conference of its difficulties with the Hungarian Government concerning the execution of the treaty of Trianon and that the ambassadors' conference, which was intrusted with the execution of the recent peace treaties, had already taken steps in the matter; that under these conditions the council was of the opinion that for the moment there was no need of intervention by the League of Nations; that the request of the Austrian Government was being held over; that the council would follow the matter with the greatest attention and would be glad to receive the promised additional information to enable it to decide on its further course. The proposal was adopted.



## EXPENSES IN CONNECTION WITH THE PROBLEM OF UPPER SILESIA.

On September 12 the council decided that the expenditures of its committee on the Upper Silesian problem should not, without its special authorization, exceed the sum of 100,000 gold francs.

## REPORT OF PERMANENT ADVISORY COMMISSION ON MILITARY, NAVAL, AND AIR QUESTIONS.

On September 16 Mr. Leon Bourgeois, representative of France, made a report to the council stating that on September 14 the permanent advisory commission on military, naval, and air questions had submitted a report on the three following subjects: (1) Amendment to article 9 of the covenant, French proposal; (2) military, naval, and air status of Esthonia, Latvia, and Lithuania; (3) financial question concerning right of investigation.

He proposed that the council make an immediate decision as to the second subject and transmit the commissions' proposals to the assembly's sixth committee, which was at that time considering requests for admission by the three countries mentioned.

As to the second, which involved a request for the sum of 250,000 gold francs to defray expense of investigation, he said he thought it preferable that the council draw any sum that might be found necessary from the item of "Unforeseen expense" rather than request the assembly, to which the budget had already been referred, to open a special credit for that purpose.

As to the first, he recommended that inasmuch as the council had already entrusted to the assembly's third committee the examination not only of this amendment to article 9 but of a similar amendment to article 8, it should postpone consideration of any opinions or proposals of the permanent advisory commission until the third committee and the assembly had formulated their proposals on the question as a whole; that only when the council had been informed of the assembly's decisions as to principles would it be possible for the council, in so far as the execution of these decisions was concerned, to take the advice both of the permanent advisory commission and of the temporary mixed commission should the assembly ask that the latter be maintained either in its present or in a modified form.

The report and proposals of Mr. Bourgeois were adopted.

## FREE CITY OF DANZIG.

The council decided on September 15 to postpone the question of the draft law regarding acquisition and loss of citizenship in the free city of Danzig until its fifteenth session, the information having been received that the Polish-Danzig negotiations on this subject had resulted in an agreement not yet finally reduced to writing.

The council also decided before taking further action regarding the case of Puppel against Deutsche Bank, as to which differences existed between Poland and Danzig, to invite the delegate of the Republic of Poland and the president of the free city of Danzig to take up the matter with a view to settlement.

It decided further to refer the report of the high commissioner of the League of Nations in Danzig, dated August 30, 1921, concerning the defense of the free city, and which had been confidentially circulated among the members of the council to the permanent advisory commission for military, naval, and air questions for study and report. The same action was taken on the high commissioner's report on the establishment of a "port d'attache" for Polish warships in Danzig.

The council requested the provisional economic and financial committee to make further study of the question of the financial position of Danzig, which the president of that city had reported as unsatisfactory, said further study not to be taken with the idea on the part of the council to provide for direct financial assistance to the city.

## REPORT OF PROVISIONAL ECONOMIC AND FINANCIAL COMMITTEE.

On September 19 the provisional economic and financial committee presented to the council a review of its work since its creation. The Brussels conference a year before had dealt with the critical condition in which the economic world had been placed by the war. The nations in general were at that time unable to balance their budgets and continued to print paper money, providing continuous inflation and depreciation of exchanges, factors aggravated by shortage of merchandise and raw materials and many restrictions on free dealings in goods.

The primary aim of the Brussels conference had been to recommend a sound and reasonable financial policy and the restoration of the world to normal conditions of economic prosperity, as well as the mitigation of the shock of adaptation to the new commercial situation dependent on the adoption of the principles of "financial morality" proclaimed at Brussels. The council had charged the provisional economic and financial

committee with the duty of endeavoring to secure the application of these principles and of studying the methods of their application. Most countries had undergone profound financial and economic changes since the Brussels conference and might be considered with reference to these changes in two groups.

First. Countries outside Europe and countries in western Europe, including most of the former neutrals, had in the main shown a considerable and often rapid advance toward deflation, or at least a cessation of inflation. Some had substantially reduced, if they had not completely closed, the gap between expenditure and receipts, and had shown better understanding of the idea that loans should not be incurred except for productive expenditure. Some had stopped the issue of paper money and reduced the quantity of such paper in circulation. This deflation movement had caused great changes commercially. The urgent demand for goods of a year before had disappeared and products were being sold with difficulty, because buyers were under the impression that falling prices would continue and become more marked on account of forced disposal of stocks accumulated during the war. This was now compelling owners of merchandise to seek new markets for their goods, and to do so under difficult world conditions. These changes had been accompanied by increase of unemployment and other unfortunate features, all of which had been foreseen as a part of the process of readjustment by the Brussels conference, which had been careful to urge that deflation operations, if and when undertaken, should be carried out gradually and cautiously to avoid disastrous disturbances to trade and credit. Whether the period of transition was ending for these countries it was hard to say; but many of them had shown distinct improvement in public finance, the balance of their foreign trade had been largely redressed, and a large number of restrictions on commerce, especially discriminations in prices, had been lifted. To help exporters seeking markets the committee had developed an international credits organization, whose services had proved of great value.

Second. Other countries had not been so successful in meeting readjustment problems. Many of these, especially countries in eastern Europe, with the notable exception of Czechoslovakia, had been unable to close or reduce the gap between income and expenditure, were still issuing paper money, and still had falling exchanges. While the constant process of inflation afforded an artificial stimulus to industry, its inevitable end was disaster. Though certain export trades might flourish temporarily, there was no escape from the difficulty of obtaining essential imports due to the disorganized exchange of these countries. Obtaining of credits was seriously hampered, and no markets could be provided by countries with depreciated currencies.

The present derangement of economic relationships was a great economic loss and damage "to all the partners in the trade of the world."

The committee had given much attention to the promotion of machinery to provide credits for bringing exporter and importer together. Its inquiry into systems of finishing credits had satisfied the committee that they would not be employed on any large scale. It had continued, therefore, to develop the organization of the international credits scheme, which had great advantages. The provision of credits, however, was not the sole remedy for existing ills. It was necessary that each State should apply to its own finances the principles laid down by the Brussels conference. In this belief the committee had accepted the invitation to examine the finances of Austria. With the cooperation of the Austrian Government it had applied these principles and utilized the international credits scheme to which the Brussels conference had given rise. The committee felt that if the league was able to promote the financial reconstruction of one of its members—for example, Austria—it would contribute to the welfare of mankind and to that cooperation of nations in peaceful progress which was one of the league's primary aims. In the well-being of Austria was involved that of southeastern Europe and a beneficial effect on the trade of the world. The committee was dealing not only with immediate but with permanent problems. It had begun the publication of certain financial information. It was making inquiry into questions of double taxation, of the treatment of foreign branch banks, and of international action looking to uniform laws relating to bills of exchange.

The financial section of the committee had on May 31 last presented to the council a plan for the reform of the finances of Austria, stating that assurance had been received that temporary advances, enabling the program to operate for some months, would be available in a few weeks; that these advances would be conditioned on the execution by the Austrian Government of its program of financial reform, and on the suspension



of liens on Austrian assets for reparations and other debts in accordance with the statement of the supreme council of March 17. These two conditions were as yet but partly realized. The Austrian Government, despite the lack of foreign credit, had tried to give immediate proof of its sincerity, had taken measures which should substantially lessen the budgetary deficit, and was maintaining industry and production in a satisfactory condition, had improved economic relations with neighboring States, while Vienna's importance in trade and finance was steadily growing. The measures taken by Austria had not produced, however, all the beneficial effects rightfully expected. Almost all the Governments had agreed to suspend their liens on the national resources of Austria, provided all similarly interested should do likewise. The United States had not yet announced its decision, and this had prevented complete execution of the financial program devised by the committee. While the committee recognized the good will shown by the United States administration, it regretted the delay, due to the failure of the United States so far to act. The delay had made it impossible for Austria to secure foreign credits, had caused deep pessimism in Vienna, and had contributed largely to the depression of the crown.

Mr. SHIELDS. Mr. President, I do not remember what it was that they desired the United States to do for relief in Austria.

Mr. SHEPPARD. They desired the United States to suspend the lien which it had on the public assets of Austria as security for payment for foodstuffs we sent there some time after the armistice. Nearly all the other nations had suspended their liens, and they were waiting on the United States to do so.

The financial section had carefully considered the progress of the work under the international credits scheme, work covered by a report from the organizer in an annex to this report to the council. With the views of the organizer the committee agreed, it being their belief that for the present the work should be conducted by the existing organization, and that the duties of the international commission under the scheme should continue to be performed by the financial section, as recommended in the committee's report of November 30, 1920, and as approved by the council on December 14, 1920. The committee believed that an application of the Ter Meulen scheme under existing conditions would have a steadying and improving effect on international economic relations, especially if applied to the support of credits designed to aid reconstruction enterprises, and to facilitate financial reforms by governments in the most serious difficulties.

The report of the organizer of international credits, contained in the annex to this report of the committee, stated that the duties of the organizer, as laid down in a prior report of the committee which had been adopted on December 14, 1920, were (a) to prepare a constitution for the international commission, (b) to work out details of the international credits scheme, including preparation of forms of bonds, pledges, and so forth, (c) to consider how far the scheme could be worked in conjunction with existing services in various countries—for example, export credits scheme in the United Kingdom, Edge Act in United States—(d) to inquire how far borrowing countries might use the scheme, (e) to advise as to the executive organization likely to be required, with estimate of cost. The organizer's report then stated that the plan for general organization and administration machinery had been completed as far as possible; that standard forms of necessary documents, forms, and so forth, had been prepared; that the organizer had kept in close touch with the department administering the British export credits scheme, a scheme dependent largely on the availability of such a security as would be provided by Ter Meulen bonds; that as to the Edge Act the organizer was hopeful for results in connection with his visit to the next meeting of the American Bankers' Association. The organizer had also kept in touch with countries that might be desirous of borrowing funds, and they were seriously considering the committee's international credits scheme. It was the judgment of the organizer, however, that the governments of these countries, before applying for the scheme, would have to be convinced, first, that credits would really be provided on the security of the bonds, and, second, that they would be supported by internal public opinion. The organizer had accordingly taken steps to give general publicity to the scheme and to secure favorable consideration by exporters and bankers in the principal leading countries. A pamphlet explaining the scheme had been issued in several languages and given to the press. Important firms and commercial organizations had been communicated with. Articles had been published, and public meetings addressed, by the organizer.

The organizer had attended two very important international conferences—the World's Cotton Conference at Man-

chester and Liverpool, in the first half of the preceding June, and the Congress of the International Chamber of Commerce in London, in the last part of that month. Both these congresses were attended by representative business men, including strong delegations from the United States. In each body the American delegates had come with a scheme of their own, which they intended to submit but had on investigation become convinced of the superior merits of the Ter Meulen scheme, a one-standard scheme which could be understood and accepted in all countries.

Mr. DIAL. Mr. President—

The PRESIDING OFFICER (Mr. FERNALD in the chair). Does the Senator from Texas yield to the Senator from South Carolina?

Mr. SHEPPARD. I yield.

Mr. DIAL. I would like to call attention to the action of Czechoslovakia in buying cotton. My recollection is that it purchased cotton at as high a price as it has brought since immediately after the Civil War, and notwithstanding the fact that the price went down over 50 per cent—approximately 75 per cent, in fact—yet Czechoslovakia paid every dollar of her debt before it was due, be it said to her credit.

Mr. SHEPPARD. I am very glad to have that suggestion. Did they do that under any particular credit system, or was it an ordinary transaction?

Mr. DIAL. I think it was an ordinary transaction. The point I make is that it shows they respected their debts very highly and carried out their contract, which they paid before maturity. Some people might have wanted to repudiate their obligation, but, to the credit of Czechoslovakia, they paid the debt before maturity.

Mr. SHEPPARD. I pointed out a few moments ago that Czechoslovakia had made an exceptionally excellent record in reconstructing its finances and in restoring its economics.

Mr. DIAL. I was not in the Chamber at the time the Senator referred to that.

Mr. SHEPPARD. The organizer's report then pointed out that the world's cotton conference—June, 1921—had adopted the following resolution:

"While the conference recognizes the existence of various credit schemes and the contemplated formation of other schemes, it is of opinion that at the present moment the scheme which offers the best instrument for promotion of imports into impoverished countries by exporters in other countries is that known as the Ter Meulen scheme, and urges all engaged in the cotton industry and in the financing of it to avail themselves of the Ter Meulen scheme whenever and wherever it shall be established.

"They accordingly unanimously recommend that exporters to impoverished European countries should urge importers in these countries to induce their respective governments to apply for approval of the issue by them of Ter Meulen bonds."

The Congress of the International Chamber of Commerce—June, 1921—had adopted the following:

"That the congress recognizes the necessity of the establishment under government auspices of credits for the reconstruction of the devastated and impoverished countries of Europe.

"To this end the congress is prepared to support the Ter Meulen scheme as modified and put into operation by the provisional economic and financial committee of the League of Nations.

"Further, this congress advises the establishment of permanent committees of business men and bankers in all the countries affected to furnish all information and to lend all assistance in the choice of credits and participations."

The organizer's report then went on to state that the organizer had, with the approval of the international credits subcommittee of the financial section of the provisional economic and financial committee, accepted an invitation to explain the Ter Meulen scheme at the annual convention of the American Bankers' Association, to be held in October, 1921; that this invitation had provided the organizer with the opportunity he required for the completion of his work; that he felt the scheme could not realize its full development as an instrument for helping the countries for whose aid it was intended unless American bankers would finance credits given against Ter Meulen bonds.

One of the chief features of the international credits scheme, the report stated, was the function of the league in connection with its application. Through the proposed international commission it could provide an impartial body with the necessary authority, but without political bias, which could aid a government in carrying out financial reforms and watch administration of pledged revenues or assets in such way as to inspire confidence among lenders and not to interfere with the sov-



ereignty of the borrowing country. This function of the league had been well illustrated in the Austrian negotiations. This function would also be valuable in supporting commercial credits. Much depended on the outcome of the experiment with Austria. The situation there was an exceptional one, and the plan proposed was not the Ter Meulen scheme in its entirety, because credit was to be given directly to the government, and the double security of bonds as collateral for private credits would not exist. However, the case was being generally watched, and if successful would encourage others to utilize the league's services in the matter of international credits.

The financial section of the committee had considered the council's request to study the financial situation of Danzig, had collected material, but had been unable as yet to make much progress. The finances of Danzig were apparently affected by the world-wide economic situation and could hardly be alleviated by local measures. However, an inquiry at the council's instance might well be undertaken, in view of the relations between the league and Danzig, and the committee had delegated two of its members to make more thorough study, with authority, subject to the council's approval, to consult representatives of Danzig and Poland.

As to claims by holders of bonds on which interest was in arrears, the committee had considered memoranda by Mr. Carneiro and Mr. Ter Meulen which had come before them while considering the results of the Brussels conference. Difficulties of fact and principle stood in the way of a report to the council without more specific direction.

The committee had decided not to consider direct applications from private associations or interests in relation to specific loans.

As to double taxation, the committee had considered the objections to existing systems of taxation in so far as taxes were required in more than one country on the same taxable objects. The committee thought that the question should be submitted to English, Italian, and Dutch experts, with the assistance of an American expert.

As to the gold standard, the financial section had given continued study to the resolutions of the Brussels conference on the question, which were as follows:

"Without entering into the question whether gold is or is not the ideal common standard of value, we consider it most important that the world should have some common standard, and that as gold is to-day the nominal standard of the civilized world it is highly desirable that the countries that have lapsed from an effective gold standard should return thereto.

"It is useless to attempt to fix the ratio of existing fiduciary currencies to their nominal gold value, as, unless the conditions of the country concerned were sufficiently favorable to make the fixing of such ratio unnecessary, it could not be maintained.

"The reversion to or establishment of an effective gold standard would in many cases demand enormous deflation, and it is certain that such deflation if and when undertaken must be carried out gradually and with great caution, otherwise the disturbance to trade and credit might prove disastrous."

I know that the Senator from Alabama [Mr. HEFLIN], who has just entered the Chamber, will be glad to hear the stand of the Brussels conference, a conference called at the instance of the League of Nations on the question of too rapid deflation, and I want to refer to it again for his benefit.

Mr. HEFLIN. I will be glad to hear the Senator.

Mr. SHEPPARD. It reads: "The reversion to or establishment of an effective gold standard would in many cases demand enormous deflation, and it is certain that such deflation if and when undertaken must be carried out gradually and with great caution, otherwise the disturbance to trade and credit might prove disastrous."

Mr. HEFLIN. If the Senator will permit me—

The PRESIDING OFFICER (Mr. FRELINGHUYSEN in the chair). Does the Senator from Texas yield to the Senator from Alabama?

Mr. SHEPPARD. I yield.

Mr. HEFLIN. As it proved very disastrous, not only to our country in 1920 and 1921, but to Great Britain and other countries as well.

Mr. SHEPPARD. The resolution proceeds:

"We can not recommend any attempt to stabilize the value of gold, and we gravely doubt whether such attempt could succeed, but this question might well be submitted to the committee to which we refer later, if such should be appointed."

The financial section, after studying the situation and considering suggestions that the possibility of stabilizing currencies should be reconsidered with a view to an international agreement, had concluded that the opportune moment

for such action had not yet arrived. Financial, economic, and political conditions in many countries were still so unsettled, so many countries were still unable to meet budgets and engagements without new issues of paper money, that it was not practicable to offer any immediate method of stabilization of currency other than the principles announced at the Brussels conference.

The economic section of the provisional financial, and economic committee had considered the question of raw materials referred to it by the council on October 25, 1920, and submitting a unanimous report in separate form. It had also considered questions of unfair international competition, uniform legislation regarding bills of exchange, commercial methods in relation to instability of exchanges, and would make reports on all these at a later date.

The financial and economic sections of the committee had considered in joint session the proposal of the Belgian Government that the International Institute of Commerce, a body created by the Interparliamentary Union, be made the league's general statistical organ, and had concluded that this question should be held in abeyance until the scope of the league's statistical activities could be determined; that for the present it was believed the league should not venture on original statistical work, except as to definite objects and on requests of competent organs of the league. The committee had also concluded that it was doubtful whether member States would accept a bureau to which they had not all adhered. It was also advisable before final action could be taken on this proposal by the Belgian Government that the relation of the International Institute of Commerce to the international bureau of commercial statistics, established by international convention in 1913, be clearly defined.

The two sections of the committee had also considered in joint session suggestions for the improvement of the Monthly Bulletin of Financial and Economic Statistics, but did not believe that any should be immediately adopted except that from South Africa that statistics of gold production and exports should be included.

The two sections had also jointly considered the resolution of the council adopted at Brussels in October, 1920, requesting the provisional economic and financial committee to study the agenda for the next economic and financial conference and to submit concrete suggestions for the establishment of a permanent economic and financial organization of the League of Nations. The committee was of opinion that for reasons already stated it was not advisable to call in the near future a conference on economic and financial matters in general. Consultative conferences on special problems arising out of the committee's work might be held. This did not necessitate, however, the creation of a permanent economic and financial organ to prepare the ground for such special conferences. Further experience should be had before taking up the matter of a permanent financial and economic organization. The committee believed the existing provisional organization, embodied in itself, should be continued another year, at the expiration of which it would probably be possible to lay proper foundations for a permanent body. The committee did not wish, however, to prolong the provisional mandate intrusted to its members in November, 1920, and their resignations were accordingly placed before the council as from December 31, 1921.

The committee presented to the council the report of its advisory committee on finishing credits annexed to the committee's report of March 2, 1921. This advisory committee at its Geneva meeting had instituted an inquiry in industrial and financial circles in various countries to see to what extent the system of finishing credits might be applicable. The provisional financial and economic committee had examined the results of this inquiry and had come to the conclusion that there was no likelihood in practice of a demand for the application of such a system, that while it was worthy of investigation it did not reach actual economic needs and involved legal difficulties that could not be overcome.

The council after receiving this report passed resolutions thanking the committee for its services and approving the manner of their performance; expressing regret over the delay in the Austrian negotiations; transmitting the report to the assembly; referring to its action of September 15 requesting the committee to undertake further inquiry into the finances of Danzig; asking the committee to take no further steps in the matter of interest-defaulted bonds and approving the committee's decision not to entertain direct applications from private sources; suspending decision on the Belgian Government's proposal as to the International Institute of Commerce and referring the matter to the assembly which had under discussion the general sta-



tistical functions of the league; accepting the committee's proposal for its continuance through another year and asking present members to continue to serve until the next session of the assembly; approving the remaining sections of the committee's report and asking the committee to carry out their suggestions; requesting the committee to consider and report upon the meaning and scope of the provision dealing with equitable treatment of commerce in article 23, paragraph (e), of the covenant.

#### MANDATES.

On October 2 the council approved a note to the mandatory powers through its president on the subject of mandates.

The note contained the report of the subcommittee on mandates of the sixth committee of the assembly, a report adopted by both the sixth committee and the assembly, and approved by the council on October 2. That report was made by the subcommittee to the sixth committee of the assembly on September 19, 1921. It started out by reciting that the subcommittee had considered the draft resolution handed in at the assembly by Lord Robert Cecil in the following language:

"The assembly regrets the delay which has taken place in the definition of the mandates, recognizes that the council is not responsible for that delay, and is of opinion that it would be desirable that the mandates of the A and B classes should be forthwith defined."

The report stated that the subcommittee fully agreed with that part of Cecil's resolution relating to delay in defining the A and B mandates and also agreed that the fault could not be said to lie with the council; that notice from the United States of objection to definitions without consultation with that nation had caused the council to delay confirmation until the United States could express its views; that it was understood that negotiations were still proceeding between the principal allied powers and the United States; that a memorandum from the United States had been received by these powers only a few days before the assembly met and that its terms were under examination; that the council seemingly had no option but to await the conclusion of these negotiations before confirming the remaining mandates; that nevertheless the subcommittee realized that delay in issuing the remaining mandates might cause anxiety and apprehension—apprehension because the trust conferred by article 22 of the league covenant had not yet been fully defined, apprehension lest in the absence of completed mandates the sacred trust laid down by that article might not in all respects be fulfilled.

The report went on to say that the subcommittee had not felt that its duties required an examination of the draft mandates A and B, or of the reports which the mandatory governments had in some cases submitted to their legislatures or submitted to the council for information, on the administration of the mandated territories committed to them during the preliminary period; that these reports were all public property and the world could draw its own conclusions; that it was hoped the perusal of such reports would allay all anxiety and apprehension.

The report continued by stating that as to the A mandates the subcommittee felt it would be premature to press for immediate action by the council; that it took note of the fact that the treaty of Sevres had not yet been ratified by the powers; that as to these mandates the subcommittee expressed the hope that during the transitory period the administration of the territories involved would be carried out in the spirit of article 22 of the covenant.

The report held, however, that the B mandates were in a different condition, having been authorized by the ratified treaty of Versailles; that drafts of these had been before the council since the beginning of the year; that even if they were still subject to change in details, the principles they embodied were certainly worthy of approbation; that the French and British Governments were charged by the decision of the supreme allied council of May 7, 1919, with the duty of agreeing on the future of Togo and the Cameroons, and to recommend steps agreed upon to the league for adoption; that this agreement had been reached and that the council should at the first possible opportunity (a) formally approve the application of the mandate system to Togoland and the Cameroons, (b) adopt in principle the declarations signed by representatives of the French and British Governments on July 10, 1919, as to the respective spheres to be placed under the authority of each Government.

The report concluded by urging that the assembly invite the council to present this construction of the situation to the mandatory powers. The report was adopted by the sixth committee on September 20 and by the assembly on September 23. The review of the assembly's proceedings in my address of October 5, 1921, fails to mention this action of the assembly. It should

have been recorded in the description of the assembly's transactions on September 23. The council, as before stated, also approved the report, and accordingly addressed a note, heretofore mentioned, to the mandatory powers advising them of the league's position.

The note advised these powers (a) that as to the territories to be administered under paragraph 5, article 22, league covenant—that is, the former German possessions of East Africa, Togoland, and the Cameroons—the council, while reserving examination of the details of the draft mandates laid before it for modifications which might be found desirable, considered generally the principles contained therein to express the high objects which the covenant had in view and to safeguard the rights of all league members in a spirit in harmony with that of the covenant; (b) that as to Togo and the Cameroons the council, in accordance with the joint recommendation of the French and British Governments of December 17, 1920, approved the application of the mandate system to these territories and adopted in principle the declarations signed by the representatives of the French and British Governments on July 10, 1919, as to the respective spheres to be assigned each government; (c) that the council felt that the mandatory powers would continue to administer the territories committed to their charge in accordance with paragraphs 4 and 5, article 22, of the covenant, in the spirit of the draft mandates until such time as the mandates could be regularly defined and conferred.

The note expressed to the mandatory powers the council's appreciation of their courtesy in communicating to the league for its information reports concerning certain of the territories confided to their care in accordance with article 22 of the covenant even before it had been possible to confirm their mandates, and concluded by saying that the council had noted the declarations before the sixth committee of the second assembly by representatives of Belgium, British Empire, and France as to supply of information to the permanent mandates commission.

#### PERMANENT MANDATES COMMISSION.

On October 10, 1921, the council heard the report of the permanent mandates commission through its chairman, Marquis Theodoli. He referred to the provision of article 22 of the league covenant that the permanent commission should be constituted to receive and examine the annual report which the mandatory powers were pledged to send to the council concerning the territories under their charge and should advise the council on all matters relating to the observance of mandates. He said that such investigations and such advice could only be of value if inspired by absolute independence and impartiality of judgment; that the council evidently intended that the commission should act in such spirit because it had insisted that the commission should consist of experts answerable only to the league as a body and that the majority of its members should be nationals of nonmandatory States. He said that the commission would aid the mandatory powers in carrying out their tasks in the spirit of the covenant and would endeavor to do justice to all concerned.

He then stated that the commission had worked along three lines of effort.

First. It had adopted rules of procedure in accordance with the resolution creating the commission, and asked the council's approval of such rules.

Second. The commission had realized when it first met at Geneva that no annual report could be placed before it, a year not yet having elapsed since the council confirmed the first mandates, but it also knew that under a recommendation of the first assembly, adopted by the council in June, 1921, the mandatory powers had consented to authorize the commission to study reports on their administration in accordance with the principle of the mandates.

Reports communicated to the commission in this way dealt with French Cameroons, French Togoland, British Tanganyika, Belgian East Africa, Southwest Africa, Mesopotamia, and Palestine, and had all been carefully studied except the last two. Interesting as the last two were, the commission considered that the state of uncertainty still existing concerning everything affecting mandates mentioned in paragraph 4, article 22, of the covenant, would make such study of little use for the time being. The commission in studying the other reports were conscious of restrictions imposed by their nature, and by the fact that they were not annual reports but documents drawn up for the parliaments of the mandatory powers and communicated voluntarily for the league's information. The commission would therefore say nothing of them at that juncture except to express appreciation of the courtesy of the powers in permitting the commission to study them and ad-



miration for "the magnificent and generous effort at colonial reorganization and reconstruction" which they showed.

Third. The commission had drawn up questionnaires to aid the mandatory powers in preparing annual reports to the council after the first year of regular administration. The questionnaires were of two kinds relating to mandates B and C, mentioned in paragraphs 5 and 6 of article 22 of the covenant, and were therewith submitted to the council with the hope that the council would approve the proceeding, transmit the questionnaires to the mandatory powers, requesting such powers to consider them as far as possible when drafting their first annual reports. The commission admitted that the questionnaires were open to criticism and reserved the right to complete and improve them as experience might suggest.

The speaker said that in arranging these questionnaires the commission had in mind the "C" mandates, whose terms had been definitely laid down by the council nearly a year before, and the draft "B" mandates, which still awaited the council's confirmation. The commission had refrained, however, from giving any opinion on these drafts because they considered that the commission was limited by the last paragraph of article 22 of the covenant to the examination of questions relating to the observance of mandates. To facilitate the work of the mandatory powers, however, and to throw light on doubtful points the commission had prepared for submission to the council certain questions and suggestions based on a study of the reports and draft mandates before the commission.

These questions and suggestions and the questionnaires were presented in annexes to this report.

The council authorized the chairman of the commission and two of his colleagues to form a subcommittee to seek further information on the question of the nationality of the inhabitants of "B" and "C" mandated areas. This question was raised in one of the annexes to the chairman's report.

#### PROTECTION OF MINORITIES IN ALBANIA AND FINLAND.

The council on October 2 adopted a resolution taking note of the declaration by the Albanian delegation for the protection of minorities and providing that the stipulations therein, so far as they concerned racial, religious, or linguistic minorities, should be placed under the guaranty of the League of Nations, as from the date of their ratification by the Albanian Government; also providing that the Albanian Government be invited to inform the secretary general as soon as possible of the ratification; also, providing that a copy of the resolution and the declaration therein mentioned be forwarded to the assembly of the League of Nations under reference to its recommendation of December 15, 1920, regarding protection of minorities in Albania. Satisfactory information was received by the council as to the protection of minorities in Finland and the assembly notified.

#### INTERNATIONAL HYDROGRAPHIC BUREAU.

The council on October 2 resolved, in view of information received on the final constitution of the International Hydrographic Bureau, its public character and international utility, that it should be placed under the direction of the league in conformity with article 24 of the covenant.

#### MANUFACTURE OF CIVILIAN AIRPLANES AT DANZIG.

The council on October 6, in response to an inquiry from the high commissioner of the league in Danzig as to what types of airplanes and airplane material should be defined as war material, forwarded to him the decision of the air subcommittee of the permanent advisory commission on armaments, holding certain heavier-than-air craft and dirigibles to be military, with the understanding that these definitions should be revised every two years.

#### REDUCTION OF ARMAMENTS.

The council on October 12 decided to instruct the secretary general to inform Mr. Viviani, president of the temporary mixed commission on armament, that said commission was requested by the council to continue its work; to make proposals on general lines for reduction of national armaments in the form of a draft treaty or other equally definite form, to be presented to the council, if possible, before the next annual assembly; to carry out its statistical investigations, as suggested in the assembly report on the reduction of armaments; to continue the examination of the questions of the private manufacture of armaments and the trade in arms. The council also decided to send a new letter to the States that had not yet notified their attitude in respect of the convention of Saint-Germain, requesting them to do so. It decided to send a communication to the governments which would participate in the Washington conference on disarmament in the terms of the draft included in report of the third committee to the assembly. It decided also to ask the temporary mixed commission on armaments, in consultation with the permanent advisory commission on military,

naval, and air questions, to consider the advisability of addressing an appeal to the world's scientific men to publish their discoveries in poison gas and similar subjects, so as to minimize the probability of their use in war.

#### TRAFFIC IN OPIUM.

The council on October 12 resolved in reference to the opium traffic:

1. That the provisional health committee be informed in reference to the inquiry to determine approximately the average requirements of the drugs mentioned in chapter 3 of the International Opium Convention for medical and other legitimate purposes in different countries that it was understood that the inquiries would be of scientific character, and, when applicable to any particular country, would be made through or with the consent of the government of such country.

2. That whereas notice of provisions of article 15, International Opium Convention, relating to prevention of contraband trade in opium and other dangerous drugs, had been called to the attention of the contracting powers having treaty relations with China, they should also be called to the attention of China.

3. That original paragraph 7 of council resolution of June 28 be modified so as to read that in view of world-wide interest in league's attitude toward the opium question and of the general desire to reduce and restrict cultivation and production of opium to legitimate purposes, the advisory committee on the traffic in opium be requested to consider and report at its next meeting on the possibility of making an inquiry to determine approximately the average requirements of raw opium specified in chapter 1 of the convention for legitimate purposes in different countries.

4. That the Governments be invited, if they have no objection, to furnish the secretariat in addition to the official annual report any information as to illicit production, manufacture, or trade in opium and other dangerous drugs which they might think helpful to the league in carrying on its work on this subject.

5. That the Governments of Germany and the Serb-Croat-Slovene State be invited to nominate members of the advisory committee on the traffic in opium.

6. That the secretary general advise Governments concerned of the resolution urging all States members of the league which had not signed and ratified the opium convention to do so as soon as possible.

7. That the secretary general advise all Governments concerned of the resolution urging all States members of the league which were parties to the convention to notify the secretariat as soon as possible of their acceptance of the fourth recommendation of the advisory committee as to importation certificates.

8. That the advisory committee on the traffic in opium be requested to investigate not only drugs mentioned in convention of 1912, but all dangerous drugs of whatever origin producing similar effects, and to advise as to desirability of a further international conference of States parties to the convention, as well as States members of the league, with a view to a convention for the suppression of the abuse of such drugs.

#### PRINCIPLE OF ROTATION IN CHAIRMANSHIPS OF COMMITTEES.

The council, on October 12, resolved that, being in agreement with views already adopted by the advisory and technical committee for communications and transit, in organizations under the League of Nations the principle of rotation should be obligatory with regard to the chairmanship; this principle should apply to the provisional economic and financial committee so far as consistent with its constitution; that said committee be requested to apply that principle at their next meeting; and that M. Ador be confirmed as chairman of that committee until the next assembly.

#### COMMISSION FOR CONTROL OF LEAGUE'S FINANCES.

The council on October 12 resolved that in accordance with the assembly recommendation of October 3 a commission for control of the league's finances be immediately appointed, and that the following persons be invited to serve: Messrs. Noblemaire, France; Waddington, Chile; Nederbagh, Holland; James Allen (Sir), New Zealand; and Dusek, Czechoslovakia.

#### THE COUNCIL'S RECOMMENDATIONS AS TO UPPER SILESIA.

On October 12 the council transmitted to the supreme council of the principal allied powers its recommendation as to Upper Silesia. Reference was first made in the recommendation to the letter from the supreme council stating that in pursuance of article 11, paragraph 2, of the covenant it had been decided to submit to the council of the League of Nations the difficulties attendant on fixing the frontier between Germany and Poland in Upper Silesia, and to request it to be so good as to inform the supreme council of the solution it recommended as to the



delimitation of the frontier which the principal allied and associated powers should adopt. Reference was then made to a subsequent letter from the supreme council stating that each of the Governments represented on the supreme council had formally undertaken to accept the solution recommended by the council of the league. It was then stated in the text of the recommendation that the council of the league after accepting this invitation had given the matter long deliberation and thorough investigation; that it had endeavored to interpret faithfully and equitably the provisions of the Versailles treaty regarding Upper Silesia; that the council, feeling that its duty above all was to endeavor to find a solution in conformity with the wishes of the inhabitants, while keeping in view the geographical and economic situation of the various districts, had concluded that it was necessary to divide the industrial region of Upper Silesia; that on account of the geographical distribution of the population and the mixture of racial elements any division must leave relatively large minorities on both sides of the line and separate important interests; that under such conditions the council deemed it would be desirable to take measures to guarantee, during a provisional period of readjustment, the continuous economic life of this region, which presented a complicated problem with its dense population, numerous industrial undertakings, and many interwoven systems of transportation and communication.

The council had carefully examined various methods of giving accurate expression to the results of the plebiscite. The council recognized that the mere proportion of votes would work injustice to one side or the other, and endeavored to find a system assigning to each State a number of electors not differing substantially from the total number of votes in its favor and at the same time equalizing and reducing the minorities as far as possible. Based on these considerations, the council had decided on the frontier line contained in the appendix to the recommendation. The council's recommendation then set out the special measures it considered essential to the continuity of the economic and social existence of Upper Silesia, and to the avoidance as far as possible of the inconveniences of readjustment.

The supreme council accepted the recommendation with thanks and asked the league council to name presidents for the commissions needed to carry out its suggestions.

At the close of business on October 12 the fourteenth session of the council closed.

#### FIFTEENTH SESSION OF THE COUNCIL, PARIS, NOVEMBER 16-19, 1921.

Members of the council at the fifteenth session, which was held at Paris from November 16 to 19, 1921, were as follows: Belgium, Mr. Paul Hymans, president (replaced by Baron de Gaiffier d'Hestroy for the first three meetings); Brazil, Mr. Gastao da Cunha; China, Mr. Tung Tsai-Fow; British Empire, Mr. H. A. L. Fisher; France, Mr. Leon Bourgeois; Italy, Marquis Impenali (replaced by Count Bonin-Longare for first meeting); Japan, Viscount Ishii; Spain, Mr. Quinones DeLeon.

#### CONTROVERSY BETWEEN ALBANIA AND SERB-CROAT-SLOVENE STATE.

At the first public meeting, November 17, Mr. Fisher, representative of Great Britain, was asked to make a statement. Mr. Fisher stated that the meeting had been called to consider a communication received by the secretary general from Mr. Lloyd-George, Prime Minister of Great Britain, asserting that inasmuch as the continued advance of Serb-Croat-Slovene forces into Albania were of such nature as to disturb international peace, His Majesty's Government desired to call the council's attention thereto, and to request the secretary general to take immediate steps to summon a meeting of the council to consider the situation, and to agree upon measures to be taken under article 16 of the covenant, in the event the Serb-Croat-Slovene Government refused or delayed to execute their obligations under the covenant; that the ambassadors' conference had decided on the frontiers of Albania which would at once be communicated to those interested. Mr. Fisher then said that the Government of Great Britain had for some time been disturbed over events in northern Albania; that Mr. Lloyd-George's invitation to the secretary general was based on article 11 of the covenant, which stated that it was the friendly duty of each member of the league to bring to the attention of the assembly or the council any circumstances whatever affecting international relations threatening to disturb international peace or the good understanding between nations, on which peace depended. He said that His Majesty's Government had reason to fear that the disturbed area was rapidly widening, and that immediate action was essential to check the spread of hostilities. He stated, further, that both Serbia and Albania were members of the league, and both had taken solemn pledges, such as were contained in article 12 of the covenant, by virtue of which members of the league agreed that if there should

arise between them any dispute likely to lead to a rupture they would submit the matter either to arbitration or to inquiry by the council, and agreed in no case to resort to war until three months after the award by arbitration or the report by the council. He added that an appeal to the league had been made which could not be disregarded without stultifying the covenant; that it appeared to the British Government that the council should assemble without delay; that the council should receive from the two interested parties the required explanations and assurances; and that should these be unsatisfactory the council should consider measures to insure respect for the obligations of the covenant. The speaker then gave further details which had led the British Government to act.

Albania was represented at this meeting by Messrs. Konitza and Frasherli; Serb-Croat-Slovene State (Serbia) by Messrs. Jovanovitch and Popovich.

After hearing arguments and statements from representatives of Albania and Serbia on November 17 and 18, the council on November 19 adopted a resolution to the effect that the council, having heard the statement concerning information which led the British Government to request the immediate convocation of the council, having heard the explanations by representatives of Serbia and Albania, considering that the assembly recognized on October 3 that the principal allied and associated powers were responsible for fixing the frontiers of Albania, considering that the conference of ambassadors decided on November 9, 1921, that it was necessary to confirm with certain specified alterations the line of the frontiers of Albania established in 1913 by the conference of ambassadors in London, and considering that the frontiers were consequently now fixed and must be respected in accordance with the guarantees assured to the members of the League of Nations by the covenant, noted the declaration of the prime minister of the Serb-Croat-Slovene State to the effect that his State, in accordance with the above decision, was taking all steps to assure immediate evacuation of its troops from all territory belonging to Albania; noted also the assurance given by the representatives of two States that they intended to live as neighbors in good relations, which implied that neither would take, directly or indirectly, any action tending to disturb the other's internal peace; and decided to give the commission of inquiry, sent to Albania in accordance with a prior resolution, the following instructions: First, to keep the council informed of the retirement of both the Serbian and Albanian troops from the provisional zone of demarcation defined in the decision of the conference of ambassadors of November 18, 1921, to keep in touch with the delimitation commission, whenever necessary, and to place itself at the disposal of the local authorities to assist in carrying out the evacuation, so as to avoid incidents. Second, to satisfy itself that no outside assistance was being given in support of a local movement which might disturb internal peace in Albania, and to examine and submit to the council measures to end present disturbances and prevent their recurrence.

The resolution was accepted by the representative of Albania and by that of Serbia, subject to his declaration of protest against the procedure of the conference of ambassadors and against certain language in the council's resolution, to wit, language specifically defining what good relations meant, the Serbian delegate considering the definition unnecessary. He stated also in his protest that the commission of inquiry had been sent to Albania by the second assembly and that it should be clearly understood that the commission's field of activity should be limited to Albania. The Serbian representative requested that his declarations in the nature of protest be inserted in the minutes.

#### MESOPOTAMIA, OR IRAK.

On November 17 Mr. Fisher, representative of Great Britain, stated that his Government wished to acquaint the council with the policy it was pursuing as the mandatory of the league with reference to Irak or Mesopotamia, and had notified the president of the council that its representative would make a statement at the present session. He said that the council had been kept advised as to the manner in which his Government had hitherto discharged its obligations toward the league by printed documents already sent the league, namely, (1) the draft mandate, (2) review of civil administration in Mesopotamia or Irak since October, 1920, which was being sent to members of the council, this note describing events culminating in the selection of the Emir Feisal as King of Irak and his accession on August 3; that the attitude of the people of Irak during the last two and a half months had confirmed the results of the plebiscite which had developed an overwhelming vote for the Emir Feisal.



The speaker said all this showed that the British Government had not delayed to act on article 94 of the treaty of Sevres, by which the high contracting parties agreed that Irak should, under paragraph 4, article 22, of the covenant of the League of Nations, be provisionally recognized as an independent State, subject to administrative advice and assistance by the mandatory until it was able to stand alone; that the British Government had obligations not only to Irak but to the league; that besides the duty to submit the draft mandate to the league in accordance with article 96, treaty of Sevres, the League of Nations, article 22, prescribed that the degree of authority, control, or administration to be exercised by the mandatory should, if not previously agreed upon by the members of the league, be explicitly defined in each case by the council. Political developments in Irak had led the British Government to the conclusion that its obligations to the league could be most effectively discharged if embodied in a treaty to be made between it and the King of Irak. It had been unable to resist the desire of the people of Irak for a national government under an Arab ruler. Events had moved so rapidly as not to permit consultation by the British Government with the council before doing what it felt the council would approve, namely, recognizing the sovereign whose accession to the throne had followed the universal demand of the people. The position of the mandatory power had been modified somewhat by this recognition, and its relations in the new situation should be defined by the suggested treaty. The spirit in which the new sovereign, King Faisal, proposed to act was shown by his accession speech, part of which was as follows:

"My first task will be to proceed with the election and convocation of the constituent assembly. The nation should understand that it is this congress that will, in consultation with me, draw up the constitution of its independence on the basis of democratic government and define the fundamental principles of political and social life. Finally, it will confirm the treaty which I shall lay before it regarding relations which are to exist between our Government and the great British Government. Furthermore, the congress will establish freedom of religion and worship, so that all men may follow their own law and religion, provided they do not conflict with security and public morals. It will also enact certain judicial laws safeguarding the interest of foreigners and insure them against any interference with their religion, race, or language, and will guarantee equity of commercial dealing with foreign countries."

The other passages in King Faisal's inaugural address had shown his readiness and willingness to include in his treaty with the British Government provisions insuring the conduct of the Government of Irak in thorough harmony with the spirit of the covenant of the league. The proposed treaty would give a more satisfactory definition of the relations between the mandatory power and the mandated State than any other form of instrument, provided it secured: First, control by the British Government over the foreign relations of Irak; second, fulfillment of international obligations incurred by the British Government by treaty, mandate, or agreement; third, such degree of financial control as might be necessary; fourth, conformity in every respect with the spirit and letter of the covenant. The treaty was not intended as a substitute for the mandate which would remain the operation document defining the obligations undertaken by the British Government in behalf of the league. The treaty would serve simply to regulate the relations between the British Government as mandatory power and the Arab Government of Irak.

The fifteenth session of the council closed on November 19, 1921.

#### PERMANENT COURT OF INTERNATIONAL JUSTICE.

The official journal of the league shows that on October 8, 1921, Portugal ratified its signature of the statute of the permanent court of international justice, and that Esthonia on October 18, 1921, signed the statute.

#### LIMITATION OF ARMAMENTS.

The official journal shows that on July 23, 1921, India replied to the letter containing the assembly's recommendation of December 14, 1920, as to limitation of expenditure on military, naval, and air services during the following two financial years, stating that the policy of the Government of India was in harmony with the spirit of the recommendation; that expenditure had been reduced substantially and further economies in the next two years might be possible; but that all economies would be subject to the reservations mentioned in the recommendation and that India's policy would be liable to reconsideration if the assembly's recommendations were not adopted by other powers.

The official journal shows that on August 19, 1921, Sweden replied to the effect that the Swedish Government gladly wel-

comed all schemes which might contribute to bring about an effective and simultaneous limitation of armaments in all countries; that in accordance with this attitude the Swedish representative had adhered at the first assembly to the recommendation regarding limitation of military, naval, and air expenditure; that the Swedish Government believed that if this recommendation were universally adopted notable progress toward reduction of armaments would be obtained; that so far, however, as the national defense of Sweden was concerned, the question of its future organization was under thorough examination and the result could not at the time be foreseen; that this made it impracticable for the Swedish Government to make a definite statement for the time being as to the action it was likely to take in accordance with the assembly's recommendation.

#### CAMPAIGN AGAINST INFECTIOUS DISEASE.

On October 6, 1921, the presidents of assembly and council issued an appeal to members of the league for more funds to support the league's efforts against infectious disease in Poland and elsewhere.

Czechoslovakia replied on October 18 that it would contribute for this purpose during 1922 a sum not exceeding a million Czecho-Slovak crowns. Belgium replied on November 4 that it would repeat its gift of 1,000 pounds sterling which it had furnished at the end of 1920.

#### PERMANENT LABOR ORGANIZATION—WASHINGTON CONVENTION OF UNEMPLOYMENT—GENOA CONVENTIONS ON EMPLOYMENT AT SEA.

By October 27, 1921, the league's official journal shows the following countries had ratified the convention concerning unemployment adopted at the first international labor conference at Washington in November, 1919, namely, Greece, Rumania, Great Britain, India, Sweden, Denmark, and Finland. The journal also shows that on October 18 Sweden ratified the conventions fixing minimum age for admission of children to employment at sea, and establishing facilities for finding employment for seamen adopted by the International Labor Conference at Genoa June 15-July 10, 1920. Inasmuch as the British Government had also ratified the first of these two conventions it became effective as between Sweden and Great Britain on October 18.

#### PERMANENT COURT OF INTERNATIONAL JUSTICE.

According to the official journal, Brazil on November 2, 1921, Japan on November 17, 1921, and Venezuela on December 7, 1921, adopted ratifications of the statute of the permanent court of international justice, and on December 31, 1921, Panama accepted the compulsory jurisdiction of the court.

#### LIMITATION OF ARMAMENTS.

On October 29, 1921, Rumania replied to the league's recommendation as to armament limitation; stated that a reduction in the Rumanian military budget for the year 1921-22 had been made amounting to 197,404,600 lei less than the budget for the preceding year.

#### ARMS TRAFFIC CONVENTION.

On September 3, 1921, Bulgaria informed the secretary general that it was prepared to ratify the Arms Traffic Convention signed at St. Germain on September 10, 1919, such ratification to be conditioned on ratification by other signatory powers. Guatemala stated on September 10, 1921, that it had the matter under advisement. Liberia stated on October 21, 1921, that it could not at present see its way to adhere. New Zealand stated on October 4, 1921, that it was prepared to sign on condition that the other signatory powers did likewise, and subject to safeguards being provided against the convention being rendered nugatory by nonsignatory States. San Salvador, on September 6, 1921, reserved decision pending negotiations for a union of Central American States. Bolivia announced on September 24, 1921, willingness to ratify provided treaty should not come into force until all the other signatory parties had agreed. Venezuela stated on October 10, 1921, that it had adhered to the convention in February preceding. France announced on October 24, 1921, that it would ratify as soon as the other signatory powers were prepared to do likewise.

#### SAAR BASIN.

On November 1, 1921, the governing commission for the Saar Basin presented to the secretary general its ninth periodical report covering economic and social conditions, steps taken to comply with resolutions of the council, legislative and administrative measures, conduct of railways, post, public works, public education, justice and worship, and public relief. The commission stated that the work of administrative organization was nearly complete, that the creation of new services had practically been confined to the sphere of social insurance and public welfare, that the alarming depreciation of the mark constituted a serious problem for both the population and Gov-



ernment of the Saar, but that industrial activity was for the moment satisfactory, the number of unemployed not exceeding 3,000 in a population of more than 700,000, including 180,000 workmen.

#### PROTECTION OF MINORITIES.

The official journal shows that by December 21, 1921, the following States had adhered to the council's resolution of June 27, 1921, modifying procedure concerning protection of minorities laid down in Mr. Tittoni's report adopted by the council October 22, 1920: Austria, Hungary, Poland, Rumania, Serb-Croat-Slovene State, and Czechoslovakia.

#### ARMENIA.

On November 3, 1921, the Armenian delegation to the Peace Conference addressed from Paris a letter to the league stating that on October 13, 1921, an agreement had been signed at Kars between representatives of Angora on the one hand and Bolshevik representatives of Moscow, Erivan, Tiflis, and Baku on the other regulating the question of frontiers and other questions pending between the Caucasian Republics and Turkey; that the Bolshevik administration, which had been imposed on Armenia by force of arms and by whose representatives the above agreement was signed, did not represent the wishes of the Armenian nation; that the delegation of the Armenian Republic to the Peace Conference desired to state that it made formal reservations with regard to any partial or general infringement by the agreement in question of the terms of the treaty of Sevres and the rights which had been acquired by Armenia and recognized as hers by reason of international agreements.

#### ORGANIZATION OF A SERVICE OF EPIDEMIOLOGICAL INTELLIGENCE UNDER THE LEAGUE OF NATIONS.

On December 5, 1921, the medical director of the health committee of the league announced that this committee had decided to organize at once a service of epidemiological intelligence under the health section of the league; that this service was intended to insure rapid and effective interchange of information on epidemic diseases; that it was at present difficult to obtain trustworthy information on the prevalence of epidemics, because the various national health administrations received most of their information through diplomatic channels, a system often resulting in great delay.

#### TRAFFIC IN WOMEN AND CHILDREN.

On September 27, 1921, Australia and its various States, and on November 16, 1921, Newfoundland, replied to the league questionnaire relating to their laws against the white-slave traffic and for the protection of women and girls.

On November 19, 1921, the International Bureau for the Suppression of the White Slave Traffic and the International Traffic in Women addressed a communication to the league thanking it for inviting the bureau to take part in the official conference of Government delegates at Geneva on June 30 on the traffic in women and children, and expressing appreciation of the recommendations of the conference which the bureau believed would strengthen the international legislation already in existence and result in necessary progressive measures in the future.

On December 1, 1921, the secretary general announced that 23 countries had through their representatives adhered to the draft convention submitted by the Geneva conference on traffic in women and children, and that it would remain open for signature by other members of the league until March 31, 1922.

#### LETTER FROM WORLD PROHIBITION FEDERATION.

On October 13, 1921, the World Prohibition Federation, representing more than 40 countries, assembled at Lausanne, Switzerland, addressed a letter to the league urging all possible steps to protect small nations against all attempts to force the alcohol traffic upon them; expressed the hope that the league would support the principle that each nation, without risk of trade or other wars, should freely decide what steps to take to serve its physical and moral welfare; urged the governments of the various countries in making commercial treaties to respect the self-determination of other countries on all matters involving the physical and moral welfare of their people, and not try to force the alcohol traffic on any country that had adopted prohibition.

#### PERMANENT LABOR ORGANIZATION.

On November 1, 1921, the secretary general announced that the Union of South Africa had ratified the convention concerning the employment of women during the night adopted by the International Labor Conference at Washington on November 29, 1919; that other countries also ratifying were Greece, Rumania, Great Britain, India, Czechoslovakia.

#### SIXTEENTH SESSION OF THE COUNCIL, GENEVA, JANUARY 10-14, 1922.

At the sixteenth session of the council, which was held at Geneva from January 10 to January 14, 1922, the member States

were represented as follows: Belgium, Mr. Paul Hymans, president; Brazil, Mr. Gastao de Cunha; China, Mr. Tang Tsai-Fou; British Empire, Mr. Cecil Harmsworth; France, Mr. Gabriel Hanotaux; Italy, Marquis Imperiali; Japan, Viscount Ishii; Spain, Mr. Quinones de Leon (replaced for the eleventh, twelfth, and thirteenth meetings by Mr. de Reynoso).

#### UPPER SILESIA.

On January 10, 1922, the first day of the sixteenth session, it was announced that negotiations between Germany and Poland pursuant to the Upper Silesian decision were proceeding satisfactorily.

#### PERMANENT COURT OF INTERNATIONAL JUSTICE.

The secretary general reported to the council on January 10 that up to January 6 preceding the following States had signed the statute of the Permanent Court of International Justice: Albania, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Canada, Chile, China, Columbia, Costa Rica, Cuba, Czechoslovakia, Denmark, Estonia, Finland, France, Greece, Haiti, India, Italy, Japan, Siberia, Lithuania, Luxemburg, Netherlands, New Zealand, Norway, Panama, Paraguay, Persia, Poland, Portugal, Rumania, Salvador, Serb-Croat-Slovene State, Siam, South Africa, Spain, Switzerland, United Kingdom, Uruguay, Venezuela.

That the following States had accepted the compulsory jurisdiction of the court: Brazil, Bulgaria, China, Costa Rica, Denmark, Finland, Haiti, Liberia, Lithuania, Luxemburg, Netherlands, Norway, Panama, Portugal, San Salvador, Sweden, Switzerland, Uruguay.

That the following States had deposited ratifications of their signatures to the statute: Albania, Australia, Austria, Belgium, Brazil, Bulgaria, Canada, Cuba, Czechoslovakia, Denmark, France, Greece, Haiti, India, Italy, Japan, Netherlands, New Zealand, Norway, Poland, Portugal, Rumania, Serb-Croat-Slovene State, South Africa, Spain, Sweden, Switzerland, United Kingdom, Uruguay, Venezuela.

That the following States ratified their signatures of the clause accepting compulsory jurisdiction: Bulgaria, Brazil, China, Denmark, Netherlands, Norway, Portugal, Switzerland, Uruguay.

The secretary general stated further that the Cuban ratification of statute signature had been received but not yet notified to the powers, because there was a slight question as to its legal validity; that the Chinese and Siamese ratifications had been completed, but had not yet reached the secretariat; and that Brazil had signed the clause for compulsory jurisdiction, with the understanding that it was to be deemed invalid unless the clause should be signed by at least two of the States who were permanent members of the council.

#### ECONOMIC WEAPON.

On January 10 the council addressed a letter to the members of the league calling attention to the fact that the second assembly had adopted 19 resolutions concerning the economic weapon of the league and certain proposals of amendment to article 16 of the covenant, all of which were set out in an annex to the letter, one of the resolutions providing that these resolutions and proposals should, as long as the amendments had not been put in force in the form required by the covenant, constitute rules for guidance which the assembly recommended as a provisional measure to the council and to league members in connection with the application of article 16.

The letter stated further that the council would be guided by the assembly's suggestion if necessity for action should arise before final rules had been formally established; that the rules already tentatively suggested constituted a complete system, however, and the council could not adequately determine all the details of its own action until it had learned the attitude of members as to such of the rules as related to their action; that the council would be glad to have for its own information and guidance the opinion of members of the proposed rules; that the particular attention of members was directed to the resolution requesting the council to urge on all States members to take necessary preparatory measures, especially legislative ones, to enable them to enforce at short notice necessary measures of economic pressure.

#### ALLOWANCES TO MEMBERS OF PERMANENT MANDATES COMMISSION.

The council on January 10 adopted a resolution amending paragraph K of the constitution of the permanent mandates commission approved by the council on December 1, 1920, so as to provide that members of the commission should receive an allowance of 70 gold francs per day during their meetings, that their traveling expenses should be paid, and that all expense of the commission should be borne by the League of Nations.



## AUDIT OF ACCOUNTS FOR THIRD FISCAL PERIOD (1921).

The council on January 10 resolved that in accordance with article 8 of the second recommendation of the fourth committee adopted by the first assembly on December 17, 1920, the Netherlands Government be requested to make the audit of the accounts of the League of Nations for the third fiscal period (1921).

## RULES OF PROCEDURE OF PERMANENT MANDATES COMMISSION.

The secretary of the Permanent Mandates Commission, Mr. Rappard, advised the council that the commission had unanimously adopted rules of procedure. These rules were submitted to the council and approved.

## PROTECTION OF MINORITIES IN ESTHONIA, LATVIA, AND LITHUANIA.

The council on January 11 adopted resolutions inviting representatives of Esthonia, Latvia, and Lithuania to collaborate with the secretariat of the league in preparing a draft declaration concerning protection of minorities.

## CONVENTION FOR NONFORTIFICATION AND NEUTRALIZATION OF AALAND ISLANDS.

Mr. Harmsworth, representative of Great Britain, presented on January 11 a report to the council on the convention signed at Geneva October 20, 1921, by the interested powers after a conference on the nonfortification and neutralization of Aaland Islands, congratulating the league on the settlement of this complicated question and stating that it was a victory for the league. Mr. Harmsworth then proposed a resolution thanking the president of the conference for his letter of October 21, 1921, asking the council on behalf of the conference to agree, subject to the ratification of the convention by the signatory powers, to carry out the duties provided for in article 7 of the convention and to give favorable consideration to the request formulated in article 9, stating that in view of the fact that the duties described in article 7 were in complete conformity with the spirit of the covenant and its object, the council accepted the request with the idea of maintaining peace and justice, and instructing the secretary general to bring this convention to the knowledge of league members as soon as it came into force in order that the legal status of the Aaland Islands might be universally respected in the interest of general peace. The resolution was agreed to.

## CONTROL OF LIQUOR TRAFFIC IN AFRICA.

The council decided on January 11 to request the Belgian Government to continue in Brussels the work of the international bureau for the control of the liquor traffic in Africa, as stipulated in the convention of September 10, 1919; that the bureau, having been placed under the direction of the league, be required to conform to the general principles laid down by the council for international bureaus coming under its control.

## SUGGESTIONS OF SWEDISH AND NORWEGIAN GOVERNMENTS FOR CONCILIATION PROCEDURE.

The council on January 11 appointed a committee, in conformity with a suggestion of the assembly, to investigate the procedure of conciliation proposed by the Swedish and Norwegian Governments.

## FURTHER CORRESPONDENCE WITH HUNGARIAN GOVERNMENT.

The secretary general on January 11 submitted to the council a letter on the interpretation of articles 11 and 17 of the covenant, which he proposed to send the Hungarian Government in reply to a further note from that Government dated December 19, 1921. The council approved the letter, which held in substance that intervention by the league could be considered under article 11 only on the initiative of a league member, and that article 17, while it did not provide any special method of bringing a question before the council involving one or more States not members of the league, laid down the means by which action might be extended to nonmembers, assuming that the question had been properly brought before the council. In the matter of initiation, the letter stated, the secretary general had no more right by virtue of article 17 than article 11.

## DISPUTE BETWEEN LITHUANIA AND POLAND.

On January 12 the council again took up the dispute between Lithuania and Poland, Mr. Narushevitch representing Lithuania, and Mr. Askenazy representing Poland. After hearing both sides, the council decided to ask the President to prepare a draft recommendation as to the questions involved.

## DANZIG.

The council on the same day took up matters relating to Danzig, Mr. Askenazy representing Poland, Mr. Sahn representing Danzig, and General Haking, the league's high commissioner for Danzig, representing the league's interest. The council, after discussion, resolved to request the representatives of the Polish and Danzig Governments to talk over the question of the control and administration of the Vistula River,

and to inform the secretary general before the end of the session whether the question could be settled by direct negotiation. The council also resolved that the principles of the draft law concerning the acquisition and loss of nationality in the free city of Danzig, forwarded the high commissioner by the president of the Danzig senate on November 26, 1921, were acceptable; that any modification of principle therein must be approved by the council before enactment into law. The council also decided not to veto under article 6 of the treaty of November 9, 1920, the provisional commercial and consular agreement between Poland and Danzig on the one part and Norway on the other. The council then decided to accept, in accordance with article 103, paragraph 1, treaty of Versailles, the constitution of the free city of Danzig when amended so as to embody the draft law concerning the term of office of senators annexed to the letter of November 14, 1921, from the president of the senate. The council also received the Polish-Danzig agreement of October 24, 1921, by which the treaty of November 9, 1920, was executed and completed. It was decided to postpone to a later session the question of a port d'attache for Poland in Danzig, the preliminary agreement providing safety and necessary harbor facilities for Polish war vessels remaining in force.

## DISPUTE BETWEEN POLAND AND LITHUANIA.

On January 13, 1922, the council passed a resolution to the effect that it noted with regret that the Lithuanian and Polish Governments—the former by a note dated December 26, 1921, the latter by oral announcement of its representative at the meeting of the council on September 20, 1921—had refused to accept the council's final recommendation of September 20 for the settlement of the dispute between the two Governments over the Vilna district;

That the council noted these refusals, which under article 15 of the covenant ended the procedure of conciliation begun by the council's resolution of March 3, 1921;

That the council would accordingly withdraw its military commission of control in one month, and extend to the commission highest appreciation of its services;

That the council noted with satisfaction the formal engagement undertaken for both Governments by their representatives to abstain from any hostile act, and thus maintain the peace which had been preserved during the past year by the intervention of the League of Nations;

That the council invited the two Governments, if they could not come to an understanding, to confide their respective interests to friendly powers whose representatives could be entrusted with the supervision of peace measures recommended by the present resolution;

That the council's military commission had established two neutral zones, one in the Suwalki region on both sides of the so-called Curzon line, fixed by the supreme council on December 8, 1919, the other in the Vilna district; that it would be advisable as a modus vivendi after the commission's withdrawal to substitute a provisional line of demarcation for these neutral zones, no territorial rights to be prejudiced; that should this solution be accepted by the two Governments, the council was prepared to suggest measures for marking out the line;

That the council had received from the Lithuanian Government a protest, dated December 15, against the elections organized in the Vilna district by the administration established there under the military authority which had been in occupation since October 9, 1920.

That the council could not recognize any solution of a dispute submitted to the league by one of its members which might be reached without regard to the recommendation of the council or without the consent of both parties to the controversy.

That as to the protection of minorities Poland was bound by the Versailles treaty of June 28, 1919, and Lithuania by her declaration of September 14, 1921.

That as to the Vilna district, inasmuch as it was the league's duty to see that minorities were protected in Poland and Lithuania, the council believed both parties would consent to its sending representatives, if it thought proper, to collect information for a report to the council.

Mr. Narushevitch, representing Lithuania in the dispute, expressed disappointment that the council had been compelled to cease its efforts at a time when the situation was inflamed by attempts of the Polish Government to confirm the status quo by elections held under military occupation. He said that the origin of the dispute was the lack of a definite frontier between Lithuania and Poland; that Lithuania wished the council to request the allied and associated powers to determine the eastern frontiers of Poland in accordance with article 87 of the treaty of Versailles; that the absence of any league control



might affect seriously the future relations of the two countries, and that frontier incidents would probably revive on the commission's departure; that the Lithuanian delegation requested the council to appoint a high commissioner from a neutral nation to serve as intermediary between the two Governments and to protect racial groups in the controverted area; that the delegation could not consent to a new line of demarcation between Lithuanian forces and those of Zaligowski, as that would be a recognition of the position he had created and would practically set aside the agreement of Suwalki.

Mr. Askenazy, representing Poland, declined to accept these proposals and said he would forward the council's resolution to his Government. He thanked the council for its efforts in behalf of peace between the two countries, stating that Poland would continue to act in a spirit of conciliation, and expressing the hope that in time the parties might agree through direct negotiations.

The President, in the name of the council, requested the representatives of Poland and Lithuania to ask their Governments to reply in regard to the resolution in 10 days.

#### OPIMUM TRAFFIC.

On the same day, January 13, the council authorized the secretary general to convene the second session of the opium advisory committee for April 25, 1922, or on some other date if after conference with the chairman it should seem advisable.

#### SALARIES OF PERSONNEL OF PERMANENT COURT OF INTERNATIONAL JUSTICE.

A memorandum was presented on January 13 by the secretary general as to action to be taken by council in accordance with article 32 of the statute of the court of international justice. The council then by resolution authorized the secretary general to inform the council concerning measures to be taken to regulate the question of the salaries to be allocated to the personnel of the permanent court of international justice.

#### EXPENSES CONNECTED WITH THE POLAND-LITHUANIA DISPUTE.

The secretary general on January 13 presented a memorandum on the expenses of the Polish-Lithuanian dispute setting forth that at a meeting at Brussels on October 20, 1920, the council had decided that the interested parties might reasonably be asked to pay the costs; that accordingly all expenditure incurred during 1921 had been regarded as reimbursable advances from working capital; that inasmuch as the second assembly had decided that a statement showing the status of the working capital fund should be prepared for audit at the end of 1921 it now became necessary for the council either to determine what should be done to obtain a recognition of the obligation on the part of Lithuania and Poland or to reconsider and amend its decision of October 20, 1920, so as to permit this expenditure, which amounted approximately to 225,000 gold francs, to be charged to current account.

The president stated that the two countries had never declined to bear the costs connected with the attempts to arrange the dispute and that the council would not surrender its right to reimbursement.

Representative Hanotaux advocated apportionment of expense between the two countries according to the system of allocation for league contributions, calling this a fairer method than an equal distribution. His proposal was adopted and the secretary general directed to so advise Poland and Lithuania.

#### RUSSIAN REFUGEES.

In the case of the Russian refugees it developed that Doctor Nansen in his work for them had through his personal prestige collected considerable sums of money, but that the league had not placed any funds at his disposal; that Doctor Nansen proposed to open an office at Constantinople to expedite relief measures.

#### ADMINISTRATION OF VISTULA IN TERRITORY OF FREE CITY OF DANZIG.

The council on January 13 authorized further negotiations between the harbor board of Danzig and Poland regarding the control and administration of the Vistula River in the territory of the free city of Danzig.

#### GENERAL HAKING REAPPOINTED HIGH COMMISSIONER FOR LEAGUE AT DANZIG.

On the same day the council reappointed General Haking as the league's high commissioner at Danzig for one year, the president of the council thanking him for his labors.

#### EASTERN CARELIA.

The president then invited Mr. Enckell, representing Finland, Mr. Pusta, representing Esthonia, Mr. Walters, representing Latvia, and Mr. Askenazy, representing Poland, to come to the council table for the purpose of considering the situation in eastern Carelia.

Mr. Enckell presented a statement in the form of a letter from the Finnish Government describing conditions in eastern Carelia, giving a history of its people and of their endeavor to secure freedom from Russia, both before and after the Bolshevik revolution. He said that in the treaty of Dorpat, between Finland and Russia, in 1920, Russia had agreed to grant autonomy to eastern Carelia, which was composed mostly of Finnish people, but had not fulfilled its agreement. He described the oppression of these people by Soviet Russia and the outbreak of a new effort on their part for independence, which was still in progress. He said the situation involved international peace, and he called on the league to act under article 11, paragraph 2, and article 17 of the covenant.

Mr. Pusta, representing Esthonia, supported Finland's request, while Latvia presented a statement taking a neutral position. Mr. Askenazy said that Poland had offered to mediate between Finland and Russia, but the offer had not been accepted.

The council requested the Marquis Imperiali to prepare a resolution on this subject for consideration at its next meeting.

#### TURK AND GREEK ATROCITIES IN NEAR EAST.

On motion of Mr. Harmsworth, representative of Great Britain, the council resolved on January 13 that having heard various reports of excesses alleged to have been committed both by Turkish and non-Turkish inhabitants in Turkish and Greek territories instructions be given the commissioner of the league at Constantinople to investigate any report of atrocities committed in these territories in the future and to report to the council.

#### REDUCTION OF ARMAMENTS.

The council of January 13 approved a letter to be sent by the secretary general, as ordered by the second assembly, to league members urging that for the succeeding two years no increase be made in expenditures on military, naval, and air forces over that of the current year and inclosing replies received to date from members to the similar letter authorized by the first assembly.

#### AGRICULTURAL LABOR.

The council decided on January 13 to submit on request of the French Government, through the French representative, Mr. Hanotaux, to the permanent court of international justice the question of the competency of the international labor office of the league to deal with problems of agricultural labor.

#### MANDATES.

The council decided to postpone until its next session consideration of the report of a subcommittee of the permanent mandates commission on the national status of the inhabitants of the territory under mandates B and C.

#### EXPENSE OF UPPER SILESIAN QUESTION.

The council resolved on January 13, in reference to its resolution of September 12, 1921, that the expense incurred in carrying out decisions relating to Upper Silesia should be charged in 1922 under the budget heading of "Unforeseen expenditure," such as special commissions of inquiry, etc.

#### SPANISH REPRESENTATIVE.

On January 14 Mr. de Reynoso replaced Mr. Quinones de Leon as Spanish representative.

#### EASTERN CARELIA.

On January 14 the Lithuanian delegation presented a letter from its Government joining in the appeal to the league to bring about a peaceful settlement of the eastern Carelia question.

The Marquis Imperiali then submitted a resolution relating to Eastern Carelia, which declared that the council, having heard the statement of the Finnish delegation on Eastern Carelia, contained in a letter from the Finnish Government, dated November 26, 1921, and the statements submitted by the Esthonian, Latvian, Polish, and Lithuanian representatives, was willing to consider the question with a view to arriving at a satisfactory solution if the parties concerned were agreeable; that one of the interested States, members of the league, which had diplomatic relations with the Soviet Government at Moscow, might ascertain the views of that Government in such respect; that it was to be hoped that one of these States could lend its good offices as between the parties to bring about a settlement in accordance with the league's ideals; that the secretary general be instructed to obtain all necessary information for the council.

#### ARMENIANS IN CILICIA.

The president stated to the council on January 14 that the recent evacuation of Cilicia by the French, following the treaty of Angora, had profoundly stirred the Armenian world; that complaints from the Armenian people and from the Catholic



Armenian Hierarchy had reached the Belgian Government; that it was considered to be the duty of the league to watch over the fate of the Armenian people in the future. He said that fortunately no deplorable incident had occurred during the evacuation, this being due to measures taken by the French Government; that the outlook for the future was dark, however, and that the council ought to suggest to the principal allied powers measures which would protect these people; that the moment was auspicious because negotiations were about to take place for definite peaceful conditions in that section; that promises had been made to the Armenian people, and that the second assembly had enacted a resolution which the council had laid before the principal allied powers in the shape of a recommendation; that the council should again direct the attention of these powers to the matter.

Mr. Hanotaux, representative of France, then presented a statement of France's course following her Angora agreement with nationalist Turkey. He said that for many reasons, and especially to reduce the burden of military expenditure, France had long intended to withdraw her troops from the Turkish territory she was still occupying; that the San Remo agreement of 1920 had roughly defined the zones which would be relieved of Turkish sovereignty and in which, under article 22 of the covenant, practically independent nations were to be set up under the guidance of a mandatory state; that north of the Syrian territories, which were to come under mandate, France had kept troops, which had been subjected to attacks by bands of Turkish nationalists, and which became involved, despite France's desire to end the state of war, in the conflict between Turkish nationalists and the Greek armies under Constantine. France determined, however, in reaching a peaceful understanding with Angora chiefs, to take all possible steps under existing conditions to protect and safeguard the Christian populations established in or who had returned to Cilicia, the Turkish nationalist territory from which France was retiring. The negotiations for this retirement and for peaceful relations had taken place in London with representatives of the nationalist chiefs of Angora, the nationalist capital of these chiefs and their followers. France had not been able to obtain at these negotiations all the conditions which had been imposed on a beaten and supposedly disarmed Turkey by the treaty of Sevres, but had succeeded in securing guaranties similar to those which the Allies had considered sufficient for racial and religious immunities in eastern Europe. These guaranties were covered by article 6 of the treaty with the Turkish nationalists, known as the treaty of Angora, in which it was declared that the government of the great national assembly of Turkey would confirm the rights of minorities which were solemnly recognized in the national covenant in accordance with the principles established in the conventions on this subject concluded between the allied powers, their enemies, and certain of their allies. Mr. Hanotaux averred that by this declaration the Angora military chiefs agreed to grant to the minorities in Cilicia full and entire protection of life and property, free exercise of religion, entire legal equality, including the right to hold office, free use of their own language even in the courts, and the right to establish and direct charitable, religious, social, and educational institutions. He said further that by article 5 of the same treaty the Angora chiefs agreed to grant full and complete amnesty, and had kept the agreement, having issued a proclamation of amnesty when these representatives began to officiate at Adana.

The French Government was not satisfied with having secured these promises, however, but sent a special mission under the supervision of a consul general experienced in eastern affairs, the members of this mission having taken up residence at Adana, Mersina, Deirytol, and Ain Tab. The mission got into communication with the Angora chiefs, secured the removal of Turkish officials whose attitude toward the minorities was under suspicion, obtained a suspension of the military recruiting law for six months as to the Christians in Cilicia, and organized a Franco-Turkish commission, with a special police force to protect property abandoned by owners. Every assistance, Mr. Hanotaux continued, has been given the French mission by the recently appointed Turkish authorities in reassuring native Christians, among whom an attempt had been made to scatter panic. This attempt had borne fruit even before the French mission arrived, large numbers of Armenians having fled from their homes to look for refuge abroad. They had found ships ready to take them on the coast, ships which then proceeded to Egypt, Palestine, and Cyprus, the refugees encountering strict regulations by the local authorities, who would not permit them to land. Panic-stricken and homeless, they turned to the relief offered them under the French flag and were landed in the French mandated territories of Syria

and Lebanon. The speaker went on to say that the French high commissioner organized a distribution point for the emigrants at Mersina, dividing them according to religion, means of support, occupation, etc.; that transportation by means of chartered or requisitioned ships was placed at their disposal to enable them to reach Syria; that other distribution points were set up on the frontiers of Cilicia and Beirut; that those with adequate means of support, or who could be reliably vouched for, or who were sure of getting employment, were permitted to live wherever their interests required; that for the others accommodations had been secured in barracks or in the Lebanon convents, which were at present unoccupied; that all able-bodied men were employed on works of public utility provided by the high commissioner; that wages were paid, of which a small part was reserved for the maintenance of their families; that many of the refugees had received reassuring news from Cilicia and were already talking of returning to their homes.

Mr. Hanotaux said further that the French high commissioner in Syria, although convinced that the French mission, in cooperation with the new Ottoman authorities, would handle the situation successfully, and that Christians in Cilicia would not be molested, had nevertheless taken measures to receive any further refugees and to care for them temporarily. He pointed out that the French Parliament had increased the credit at the disposal of the high commissioner in Syria from 20,000,000 francs to 50,000,000, in order that he might be able to do everything humanly possible for the Armenian refugees. He added that since January 4 the flight of refugees seemed to have ceased; that the French Government felt that by its treatment of the Cilician minorities it had maintained its traditional policy of generous protection to Christian communities in the East; that it gave this frank explanation to the council of the league pending ratification by Turkey and the Allies of a final treaty defining the rights of ethnical and religious minorities and the manner of their guaranty by the league; that according to the council's procedure the league's intervention could not become effective until the council had accepted the mandate which would be offered it by a treaty actually in force.

Mr. Harmsworth, representative of the British Empire, and Marquis Imperiali, representative of Italy, thanked Mr. Hanotaux for his statement.

The council then adopted a resolution reminding the principal allied powers, in view of the fact that the sufferings of the Armenian Nation had been aggravated by the delay of the restoration of peace in the East, and in the hope that negotiations then in progress between the principal allied powers would enable outstanding questions to be satisfactorily settled, leading to return of peaceful conditions in regions so long ravaged by war and by acts of violence from which Armenian populations had especially suffered, of the resolution adopted by the assembly on September 21, 1921, in which representatives of these powers participated, relating to the safeguarding of the future of the Armenian people—noting with satisfaction the statements of the French representative showing the steps taken by France to protect the Armenian populations—drawing attention of the principal allied powers to the urgent need for restitution of all possible measures for the protection of minorities in the Ottoman Empire, and stating the willingness of the council to cooperate to this end.

#### REPORT OF HEALTH COMMITTEE.

A report on the work of the health committee of the league was then presented by Doctor Rajchman, medical director. It covered the efforts of the subcommittee on opium, the relations between the health section and the health committee of the league, sanitary work in Russia and Poland, the question of the pneumonic plague in Manchuria and Siberia, the standardization of antitoxic sera, and so forth. The report was approved.

Mr. CURTIS. Mr. President, will the Senator yield, that I may move an executive session?

Mr. SHEPPARD. I yield for that purpose.

#### EXECUTIVE SESSION.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session, the doors were reopened, and (at 10 o'clock and 15 minutes p. m.) the Senate, under the order previously entered, took a recess until to-morrow, Tuesday, February 20, 1923, at 11 o'clock a. m.



## NOMINATIONS.

*Executive nominations received by the Senate February 19, 1923.*

## AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

Miles Poindexter, of Washington, to be ambassador extraordinary and plenipotentiary of the United States of America to Peru, effective March 5, 1923.

## COMPTROLLER BUREAU OF ACCOUNTS, POST OFFICE DEPARTMENT.

Francis P. Sullivan, of the District of Columbia, to be Comptroller, Bureau of Accounts, Post Office Department, vice Charles A. Kram.

## COMPTROLLER OF CUSTOMS.

Harry W. Spaulding, of New Hampshire, to be Comptroller of Customs in customs collection district No. 4, with headquarters at Boston, Mass., in place of Stephen S. Jewett, resigned.

## RECEIVER OF PUBLIC MONEYS.

Oscar P. Hovind, of Montana, to be receiver of public moneys at Glasgow, Mont., vice Frank Seymour Reed, deceased.

## PROMOTIONS IN THE REGULAR ARMY.

*To be colonels.*

Lieut. Col. Fred Radford Brown, Infantry, from February 15, 1923.

Lieut. Col. James Hanson, Infantry, from February 10, 1923.

*To be lieutenant colonels.*

Maj. Benjamin Delahauf Foulis, Air Service, from February 10, 1923.

Maj. Ralph Hill Leavitt, Infantry, from February 15, 1923.

## APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY.

## QUARTERMASTER CORPS.

Col. Edward Julius Timberlake, Coast Artillery Corps, with rank from August 22, 1919.

## CHEMICAL WARFARE SERVICE.

Maj. Oscar Andrew Eastwood, Coast Artillery Corps, with rank from July 1, 1920.

## FIELD ARTILLERY.

Maj. Nathan Horowitz, Finance Department, with rank from July 1, 1920.

Maj. George Williamson DeArmond, Air Service, with rank from July 1, 1920.

Capt. George Sampson Beurket, Coast Artillery Corps, with rank from January 1, 1920.

First Lieut. Clarence Dixon Lavell, Infantry, with rank from July 1, 1920.

Second Lieut. Alexander Thomas McCone, Infantry.

Second Lieut. George Bryan Conrad, Infantry.

## APPOINTMENT IN THE REGULAR ARMY.

Viking Torsten Ohrbom, second lieutenant of Infantry with rank from February 14, 1923. Mr. Ohrbom's nomination was previously submitted to the Senate January 25, 1923, but was subsequently withdrawn as he had not reached the age of 21 years. He was born February 14, 1902.

## PROMOTIONS IN THE NAVY.

Commander Clarence L. Arnold to be a captain in the Navy from the 9th day of February, 1923.

The following-named lieutenants to be lieutenant commanders in the Navy from the 3d day of June, 1922:

Frederick Baltsly.

Fred K. Elder.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 31st day of December, 1921:

John A. Rogers.

Arthur H. Cummings.

Lieut. (Junior Grade) Alfred J. Byrholdt to be a lieutenant in the Navy from the 1st day of January, 1922.

Lieut. (Junior Grade) Harold K. Smoot to be a lieutenant in the Navy from the 13th day of January, 1922.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 3d day of June, 1922:

Joseph Buchalter.

William D. Sample.

William L. Marsh.

Arthur F. Anderson.

Lieut. (Junior Grade) Braxton Rhodes to be a lieutenant in the Navy from the 12th day of July, 1922.

Lieut. (Junior Grade) Elwood H. Barkeley to be a lieutenant in the Navy from the 16th day of July, 1922.

Lieut. (Junior Grade) Emil B. Perry to be a lieutenant in the Navy from the 1st day of August, 1922.

Lieut. (Junior Grade) Louis T. Young to be a lieutenant in the Navy from the 16th day of August, 1922.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 2d day of September, 1922:

Donald McA. Mackey.

James E. Dyer.

Ensign Kenneth D. Muir to be a lieutenant (junior grade) in the Navy from the 1st day of July, 1920.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 31st day of December, 1921:

Frank Kerr.

Gilbert R. Whitworth.

Marvin G. Fox.

Edward J. Spuhler.

John J. Gaskin.

Joseph W. McColl, jr.

Claude B. Arney.

Ensign James R. Harrison to be a lieutenant (junior grade) in the Navy from the 1st day of January, 1922.

Ensign Edgar C. Suratt to be a lieutenant (junior grade) in the Navy from the 15th day of February, 1922.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 22d day of April, 1922:

John P. Bowling.

Sidney L. Huff.

Clarence H. Pike.

James M. Fernald.

Clarence L. Waters.

Ensign Nelson H. Eisenhardt to be a lieutenant (junior grade) in the Navy from the 9th day of May, 1922.

Ensign Lewis R. McDowell to be a lieutenant (junior grade) in the Navy from the 1st day of June, 1922.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 7th day of June, 1922:

Joseph H. Severyns.

Marcy M. Dupre, jr.

Daniel F. Worth, jr.

Thomas A. Gaylord.

Edgar P. Kranzfelder.

Robert W. Bockius.

Robert Bolton, jr.

Fred B. Avery.

Harry Corman.

Edward P. Wilson.

Levi D. York.

John F. Crowe, jr.

Goold N. Bull.

William A. Swanston.

Edwin H. Tillman, jr.

Frederick J. Cunningham.

John T. Bottom, jr.

Martin J. Gillan, jr.

Paul S. Slawson.

Charles D. Porter.

Valentine M. Davis.

Charles R. Woodson.

George W. Mead, jr.

David A. Hughes.

Richard P. Glass.

William Butler, jr.

Henry S. Dunbar, jr.

Ensign Arthur S. Billings to be a lieutenant (junior grade) in the Navy from the 1st day of August, 1922.

Carpenter Hamilton P. K. Lyons to be a chief carpenter in the Navy, to rank with but after ensign from the 19th day of January, 1922.

Ensign Ralph P. Nolsat to be a lieutenant (junior grade) in the Navy from the 15th day of July, 1922.

The following-named assistant paymasters to be passed assistant paymasters in the Navy, with the rank of lieutenant, from the 3d day of June, 1922:

Robert H. Mattox.

Golden F. Davis.

Asst. Paymaster Herman F. Gingrich to be a passed assistant paymaster in the Navy, with the rank of lieutenant, from the 16th day of August, 1922.

Asst. Paymaster Harry R. Hubbard to be a passed assistant paymaster in the Navy, with the rank of lieutenant, from the 2d day of September, 1922.

## MARINE CORPS.

Lieut. Col. Harold C. Snyder to be a colonel in the Marine Corps from the 11th day of February, 1923.

Maj. Charles F. Williams to be a lieutenant colonel in the Marine Corps from the 11th day of February, 1923.

Capt. Harry Schmidt to be a major in the Marine Corps from the 2d day of January, 1923.

First Lieut. Julius T. Wright to be a captain in the Marine Corps from the 18th day of July, 1922.

First Lieut. Samuel J. Bartlett to be a captain in the Marine Corps from the 26th day of July, 1922.

First Lieut. Oliver A. Dow to be a captain in the Marine Corps from the 18th day of August, 1922.

First Lieut. Louie W. Putnam to be a captain in the Marine Corps from the 21st day of October, 1922.

## POSTMASTERS.

## ALABAMA.

John W. Johnson to be postmaster at Langdale, Ala. Office became presidential October 1, 1921.

## ARKANSAS.

Arthur V. Cashion to be postmaster at Endora, Ark., in place of W. W. Ward, resigned.



Samuel G. Helm to be postmaster at Marianna, Ark., in place of C. J. Cotter, resigned.

## CALIFORNIA.

Leonard G. Hardy, jr., to be postmaster at South San Francisco, Calif. Office became presidential October 1, 1922.

Alonzo F. Hann to be postmaster at Compton, Calif., in place of C. A. Dickison, resigned.

Charles P. Hoffman to be postmaster at Cement, Calif. Office became presidential October 1, 1922.

Nana M. Halferty to be postmaster at Tujunga, Calif. Office became presidential April 1, 1922.

## COLORADO.

William A. Russom to be postmaster at Bristol, Colo. Office became presidential January 1, 1923.

Nellie M. Connelly to be postmaster at Hartman, Colo. Office became presidential January 1, 1923.

Merrill D. Harshman to be postmaster at Wiggins, Colo., in place of M. D. Harshman. Incumbent's commission expired September 9, 1922.

## GEORGIA.

Mark A. Greene, jr., to be postmaster at Tallapoosa, Ga., in place of V. L. Howe, resigned.

E. Stelle Barrett to be postmaster at Union City, Ga., in place of W. M. Rogers. Incumbent's commission expired December 6, 1922.

James M. Lewis to be postmaster at Sparta, Ga., in place of Julia Fleming, deceased.

## IDAHO.

Herbert L. Spencer to be postmaster at Paris, Idaho, in place of S. M. Rich, resigned.

## ILLINOIS.

Marion F. Watt to be postmaster at Atlanta, Ill., in place of A. O. Haines. Incumbent's commission expired October 24, 1922.

Sheldon J. Portersfield to be postmaster at Chatsworth, Ill., in place of J. A. O'Neil. Incumbent's commission expired October 24, 1922.

Arthur G. Arnin to be postmaster at Columbia, Ill., in place of F. H. Henckler. Incumbent's commission expired October 24, 1922.

Seymour Van Deusen to be postmaster at Greenville, Ill., in place of M. M. Sharp. Incumbent's commission expired October 24, 1922.

Ross O. Bell to be postmaster at Heyworth, Ill., in place of M. B. Boyd. Incumbent's commission expired October 24, 1922.

Ray W. Birch to be postmaster at Neoga, Ill., in place of T. V. Worland. Incumbent's commission expired December 6, 1922.

Charles T. Wilson to be postmaster at Eldorado, Ill., in place of C. T. Wilson. Incumbent's commission expired December 6, 1922.

John F. Odell to be postmaster at Fairbury, Ill., in place of G. H. Franzen. Incumbent's commission expired December 6, 1922.

Thomas E. Richardson to be postmaster at Flanagan, Ill., in place of I. M. Garrison. Incumbent's commission expired December 6, 1922.

George H. Bargh to be postmaster at Kinmundy, Ill., in place of F. O. Grissom. Incumbent's commission expired October 24, 1922.

Wallace G. Harsh to be postmaster at Peotone, Ill., in place of B. R. Croxen. Incumbent's commission expired December 6, 1922.

William A. Fay to be postmaster at Jacksonville, Ill., in place of R. I. Dunlap. Incumbent's commission expired October 24, 1922.

## INDIANA.

Allen J. Wilson to be postmaster at Danville, Ind., in place of W. J. Thompson, resigned.

James C. Taylor to be postmaster at Mooreland, Ind. Office became presidential January 1, 1923.

## IOWA.

Susana F. O'Bryan to be postmaster at Lovilia, Iowa, in place of T. M. States. Incumbent's commission expired November 21, 1922.

Jennie M. Berg to be postmaster at Royal, Iowa, in place of Clifford Bowman, removed.

Albert L. Richards to be postmaster at West Liberty, Iowa, in place of S. W. Koster, resigned.

## KANSAS.

Adna E. Palmer to be postmaster at Kingman, Kans., in place of W. R. Long. Incumbent's commission expired September 13, 1922.

Margaret M. Marks to be postmaster at Oberlin, Kans., in place of C. N. Page. Incumbent's commission expired September 13, 1922.

## LOUISIANA.

Clyde L. Nelson to be postmaster at Lillie, La. Office became presidential July 1, 1922.

## MARYLAND.

Helen K. Longridge to be postmaster at Barton, Md. Office became presidential January 1, 1923.

## MASSACHUSETTS.

Edward A. Hunt to be postmaster at South Sudbury, Mass. Office became presidential January 1, 1923.

Berton Williams to be postmaster at Ayer, Mass., in place of J. L. Markham. Incumbent's commission expired October 1, 1922.

Harry T. Downes to be postmaster at Hanover, Mass., in place of W. S. Curtis. Appointee failed to qualify.

M. Warren Wright to be postmaster at Rockland, Mass., in place of A. I. Randall, resigned.

Harry S. Tripp to be postmaster at Spencer, Mass., in place of H. E. Lanagan. Incumbent's commission expired October 1, 1922.

## MICHIGAN.

Myrtle Cross to be postmaster at Au Gres, Mich. Office became presidential January 1, 1923.

Albert H. Rhody to be postmaster at Capac, Mich., in place of W. E. Warren. Incumbent's commission expired November 21, 1922.

## MINNESOTA.

Frank L. Lane to be postmaster at Bigelow, Minn. Office became presidential January 1, 1923.

Frank A. Lindbergh to be postmaster at Crosby, Minn., in place of F. A. Lindbergh. Incumbent's commission expired September 26, 1922.

Aida P. Conger to be postmaster at Becker, Minn. Office became presidential July 1, 1920.

Francis E. Iams to be postmaster at Cloverton, Minn. Office became presidential July 1, 1922.

William B. Stewart to be postmaster at Bemidji, Minn., in place of A. P. Ritchie. Incumbent's commission expired January 6, 1920.

Marie C. Bergeson to be postmaster at Lake Park, Minn., in place of E. T. Vigen, resigned.

Charles C. Jarvis to be postmaster at Mora, Minn., in place of W. J. Struble, removed.

Daniel Shaw to be postmaster at Thief River Falls, Minn., in place of John Morgan, resigned.

## MISSISSIPPI.

Myra P. Varnado to be postmaster at Osyka, Miss., in place of J. J. Stokes, deceased.

John M. Curlee to be postmaster at Rienzi, Miss., in place of H. L. Robins. Incumbent's commission expired November 18, 1922.

Prentice O'Rear to be postmaster at Columbus, Miss., in place of T. H. Sharp, resigned.

J. D. Hale to be postmaster at Scott, Miss., in place of C. J. Carpenter, appointee, declined.

Walter L. Collins to be postmaster at Union, Miss., in place of W. L. Collins. Incumbent's commission expired September 26, 1922.

## NEBRASKA.

Estella E. Murray to be postmaster at Belgrade, Nebr., in place of E. E. Murray. Incumbent's commission expired November 21, 1922.

Vernon D. Hill to be postmaster at Diller, Nebr., in place of J. O. Blauser. Incumbent's commission expired November 21, 1922.

Harry C. Haverly to be postmaster at Hastings, Nebr., in place of R. B. Wahlquist. Incumbent's commission expired November 21, 1922.

Frederick Nielsen to be postmaster at Lexington, Nebr., in place of O. K. Jones. Incumbent's commission expired December 6, 1922.

Frederick H. Davis to be postmaster at Madison, Nebr., in place of F. H. Davis. Incumbent's commission expired October 3, 1922.



Charles T. Gammon to be postmaster at Rushville, Nebr., in place of J. C. Dullaghan. Incumbent's commission expired October 3, 1922.

Charles M. Steil to be postmaster at Scribner, Nebr., in place of A. G. Schoeneck. Incumbent's commission expired October 3, 1922.

Harry S. Prouty to be postmaster at Spencer, Nebr., in place of W. D. Bradstreet. Incumbent's commission expired October 3, 1922.

Harvey A. Loerch to be postmaster at Tekamah, Nebr., in place of John Canfield. Incumbent's commission expired October 3, 1922.

#### NEW HAMPSHIRE.

Willard P. Wakefield to be postmaster at Profile House, N. H. Office became presidential January 1, 1923.

Joseph H. Geisel to be postmaster at Manchester, N. H., in place of J. R. Willis, removed.

#### NEW JERSEY.

Forrest Green to be postmaster at Long Branch, N. J., in place of T. L. Slocum. Incumbent's commission expired October 24, 1922.

Arthur Knowles to be postmaster at Phillipsburg, N. J., in place of C. D. Garis, removed.

Alfred J. Perkins to be postmaster at Atlantic City, N. J., in place of W. B. Loudenslager. Incumbent's commission expired October 24, 1922.

Rufus O. Walling to be postmaster at Keyport, N. J., in place of R. O. Walling. Incumbent's commission expired November 21, 1922.

B. Frank Barkley to be postmaster at Lambertville, N. J., in place of J. A. Cleary. Incumbent's commission expired October 24, 1922.

#### NEW MEXICO.

Charles B. Thacker to be postmaster at Raton, N. Mex., in place of W. C. Brannin. Incumbent's commission expired September 1, 1920.

Antonio Martinez to be postmaster at Taos, N. Mex., in place of E. A. Trujillo, resigned.

Chester G. Parsons to be postmaster at Wagon Mound, N. Mex., in place of C. G. Parsons. Incumbent's commission expired December 6, 1922.

#### NEW YORK.

Harrison D. Todd to be postmaster at Arkville, N. Y., in place of J. A. Harrington. Incumbent's commission expired July 21, 1921.

Walter L. Bibbey to be postmaster at Fort Edward, N. Y., in place of E. G. Boyd. Incumbent's commission expired November 21, 1922.

William A. Baldwin to be postmaster at Norwich, N. Y., in place of E. S. Moore. Incumbent's commission expired November 21, 1922.

Earl J. Conger to be postmaster at Waterville, N. Y., in place of A. C. Salisbury. Incumbent's commission expired October 24, 1922.

Irving Barrett to be postmaster at Bedford Hills, N. Y., in place of Irving Barrett. Incumbent's commission expired October 24, 1922.

William D. Shepard to be postmaster at Geneseo, N. Y., in place of J. M. Dwyer. Incumbent's commission expired September 19, 1922.

Arthur C. Davis to be postmaster at Gilboa, N. Y., in place of M. L. Lewis, resigned.

Ashmer R. Collins to be postmaster at Norwood, N. Y., in place of A. R. Collins. Incumbent's commission expired November 21, 1922.

Carroll F. Simpson to be postmaster at Phoenicia, N. Y., in place of C. F. Simpson. Incumbent's commission expired October 24, 1922.

#### NORTH CAROLINA.

Benjamin E. Atkins to be postmaster at Apex, N. C., in place of S. A. Branch. Incumbent's commission expired October 24, 1922.

Charles F. Smathers to be postmaster at Canton, N. C., in place of F. R. Mease, resigned.

#### NORTH DAKOTA.

John M. Carignan, sr., to be postmaster at Fort Yates, N. Dak. Office became presidential January 1, 1923.

James R. Meagher to be postmaster at Velva, N. Dak., in place of Frank Renning. Incumbent's commission expired September 5, 1922.

#### OHIO.

William C. Ledman to be postmaster at Zanesville, Ohio, in place of J. R. Alexander, resigned.

#### OKLAHOMA.

Edward C. Baxter to be postmaster at Gage, Okla., in place of G. E. Baker. Incumbent's commission expired May 24, 1922.

Edith B. Foster to be postmaster at Wagoner, Okla., in place of V. B. Ellington. Incumbent's commission expired January 27, 1923.

George H. Blackwood to be postmaster at Hominy, Okla., in place of G. H. Blackwood. Incumbent's commission expired October 24, 1922.

#### OREGON.

Chester G. Coad to be postmaster at Dallas, Oreg., in place of V. P. Fiske. Incumbent's commission expired September 5, 1922.

Thomas W. Angus to be postmaster at Gardiner, Oreg., in place of L. M. Perkins, resigned.

#### PENNSYLVANIA.

Fred L. Webster to be postmaster at Emporium, Pa., in place of P. H. Eagan, deceased.

H. H. McDowell to be postmaster at Denbo, Pa., in place of H. B. Hinsley, resigned.

#### TENNESSEE.

William M. Rogers to be postmaster at Pressmen's Home, Tenn., in place of L. D. Carmack. Incumbent's commission expired March 16, 1921.

#### TEXAS.

Thomas M. Welch to be postmaster at Palestine, Tex., in place of R. C. Matthews. Incumbent's commission expired September 5, 1922.

Harry Reast to be postmaster at Whitesboro, Tex., in place of R. J. Kennedy. Incumbent's commission expired September 5, 1922.

#### VIRGINIA.

Lawrence L. Jacobs to be postmaster at Hanover, Va. Office became presidential January 1, 1923.

Charles F. Flanary to be postmaster at Jonesville, Va., in place of C. H. Willoughby, resigned.

#### WASHINGTON.

Alfred B. Brewster to be postmaster at Benton City, Wash. Office became presidential April 1, 1922.

Edward A. Morris to be postmaster at Rockport, Wash. Office became presidential January 1, 1923.

Thomas A. Graham to be postmaster at Goldendale, Wash., in place of Talleyrand Bratton, resigned.

James F. Greer to be postmaster at Pe Ell, Wash., in place of Albert Meade. Incumbent's commission expired October 24, 1922.

Fred W. Hoover to be postmaster at Eatonville, Wash., in place of C. O. Jackson. Incumbent's commission expired October 14, 1922.

Edward C. Campbell to be postmaster at Kettle Falls, Wash., in place of G. H. Bevan. Incumbent's commission expired October 14, 1922.

Sydney Relton to be postmaster at Richland, Wash., in place of W. M. Relton. Incumbent's commission expired October 14, 1922.

Arthur A. Bousquet to be postmaster at Wenatchee, Wash., in place of C. A. Battles. Incumbent's commission expired October 14, 1922.

#### WISCONSIN.

Nicholas Hubing to be postmaster at Belgium, Wis. Office became presidential January 1, 1923.

Ellen E. Hains to be postmaster at Fall River, Wis. Office became presidential October 1, 1922.

Carl V. Dahlstedt to be postmaster at Port Wing, Wis. Office became presidential January 1, 1923.

George B. Keith to be postmaster at Milton Junction, Wis., in place of G. B. Keith. Incumbent's commission expired January 24, 1922.

Bernard A. McBride to be postmaster at Adams, Wis., in place of C. R. Eaton. Incumbent's commission expired October 4, 1922.

Frank M. Le Count to be postmaster at Hartford, Wis., in place of A. J. Hemmy. Incumbent's commission expired September 8, 1921.

Stephen S. Summers to be postmaster at Milton, Wis., in place of D. A. Holmes. Incumbent's commission expired September 5, 1922.



## WYOMING.

Edward Bottomley to be postmaster at Kleenburn, Wyo. Office became presidential January 1, 1923.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate February 19, 1923.*

## AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

Miles Poindexter to be ambassador extraordinary and plenipotentiary to Peru, effective March 5, 1923.

## POSTMASTERS.

## CONNECTICUT.

George L. Gardner, Central Village.  
William P. English, Collinsville.  
Burton Hodge, Roxbury.

## FLORIDA.

Albert H. Maxwell, Eastport.  
Ethel H. Gannaway, Lemon City.

## IDAHO.

Osmond Buchanan, Blackfoot.

## ILLINOIS.

Blanche V. Anderson, Leland.  
Harry C. Shales, North Crystal Lake.  
William C. Kelley, Simpson.  
John F. Mains, Stronghurst.  
David G. Birkett, Washington.

## KENTUCKY.

Elizabeth M. Godsey, Hardburly.  
Eugene C. Stockwell, Trenton.

## MAINE.

James Mahaney, Cherryfield.

## MICHIGAN.

Grace Tillie, Honor.  
Perry Anderson, Stanwood.  
Gertrude S. Scott, Sterling.

## NEBRASKA.

Harry A. Riley, Spalding.

## NEVADA.

Annie J. Christensen, Fernley.

## NEW JERSEY.

Reuben Coyte, Coytesville.  
William G. Britton, Frenchtown.  
Clayton E. Green, Glen Gardner.  
Walter W. Whitman, Pleasantville.  
Peter Tillman, Rahway.  
Edward J. Tidabach, Short Hills.  
William A. Polhemus, Whippany.

## NEW YORK.

Christopher Martin, Altamont.  
Hilbert W. Becker, Brightwaters.  
Emil M. Pabst, Huntington Station.  
Robert B. Hoag, Iona Island.  
Albert M. Thayer, Livonia.  
Charles G. Mackey, jr., Milton.  
Henry A. Holley, Otisville.  
Henry E. Johnston, Spencer.  
Francis D. Lynch, Stony Point.

## NORTH CAROLINA.

Jasper R. Guthrie, Graham.  
Joseph M. Carstarphen, Tarboro.

## NORTH DAKOTA.

Inez Grams, Bowbells.  
Henry W. Willis, Lansford.  
Will N. Thompson, Marmarth.  
Clarence A. Vasey, Mott.

## OHIO.

Leonard T. Cool, Canton.  
Eugene G. Dick, Oberlin.

## OKLAHOMA.

Eugene F. Harreld, Ardmore.  
S. Edgar Thomas, Dewey.  
Cora A. Sharp, Foraker.  
Charles C. Sellers, Quapaw.

## HOUSE OF REPRESENTATIVES.

MONDAY, February 19, 1923.

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, in the strength which Thou hast most graciously given us, we bow in Thy presence. May the thought of Thy loving Fatherhood arouse in us devout reverence and holy desire to do Thy will. Do Thou accept our humble offerings of gratitude and praise. So direct us that all endeavor shall be with high aims that touch the present and future welfare of our country. Bestow great wisdom and courage so that the integrity of all Christian institutions shall be made secure. Nobly will our work be done if molded by the standards of Him who is the perfect model for all men. Help us to go on each day from strength to strength in the cultivation of those virtues which are the abiding realities for all time; through Jesus Christ our Lord. Amen.

The Journal of the proceedings of Saturday, February 17, and of Sunday, February 18, were read and approved.

The SPEAKER. To-day is suspension day, and the Clerk will report the first bill on the Unanimous Consent Calendar.

## LAC DU FLAMBEAU BAND—LAKE SUPERIOR CHIPPEWAS.

The first bill on the Calendar for Unanimous Consent was the bill H. R. 6428, for the enrollment and allotment of members of the Lac du Flambeau Band of Lake Superior Chippewas in the State of Wisconsin, and for other purposes.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, although I question whether it is for the best interests of these Indians to have their lands allotted, yet in view of the statements of the gentleman from Wisconsin and the Assistant Secretary of the Interior I will not press my objection in view of amendments that are going to be offered by my colleague.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That within 90 days after the approval of this act the Secretary of the Interior be, and he hereby is, authorized and directed to add to the existing rolls of the Lac du Flambeau Band of Chippewa Indians the names of all persons legally entitled to enrollment born prior to the approval of this act, including the issue of members of the band heretofore enrolled or who may be enrolled hereunder, such roll to constitute the final roll of the Lac du Flambeau Band. In the preparation of this roll the said Secretary shall be assisted by a committee of members of the said band duly appointed at a general council of the Lac du Flambeau Band called for that purpose. Immediately after the approval of the roll the Secretary of the Interior shall cause allotments of land within the Lac du Flambeau Indian Reservation to be made to the members of the band whose names appear on said additional roll (exclusive of the merchantable timber on such land) in conformity with the provisions of the treaty of September 30, 1854 (10 Stat. L., p. 1109), and acts of Congress applicable to allotting lands to members of an Indian tribe: *Provided*, That if there is not sufficient unappropriated land on the reservation to give each member the full acreage to which he or she is entitled, the Secretary of the Interior may prorate the lands as nearly as practicable among the members so enrolled. The patents for the allotments made hereunder shall issue to the allottees as early as practicable after the merchantable timber thereon has been removed, and the right is hereby reserved to the United States to cut and market the merchantable timber on the lands so allotted, the proceeds to be disposed of as herein provided. When the merchantable timber has been cut from the lands so allotted the title to such timber as remains on said lands shall thereupon pass to the respective allottees: *Provided further*, That the land allotted or reserved hereunder shall be subject to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country until otherwise provided by Congress.

Mr. A. P. NELSON. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Amendment offered by Mr. A. P. NELSON: On page 2, line 8, after the word "the" before treaty, strike out all following up to and including the word "tribe," on line 11, and insert in lieu thereof the following: "General allotment act of February 8, 1887 (24 Stat. 388), as amended, the trust patents to said allotments to contain the usual 25-year restriction clause as to alienation and taxation."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk, continuing the reading of the bill, read as follows:

Sec. 2. That the Secretary of the Interior be, and he hereby is, authorized to sell, at the current market value in the year which the timber is cut or logged the merchantable timber on the lands allotted under the provisions of this act under such rules and regulations as he may prescribe, the net proceeds derived therefrom, together with any undistributed proceeds derived from the sale of timber heretofore cut and sold from such lands, shall be distributed per capita and paid to the members of the band enrolled under the provisions of this act where such members are or may hereafter be adjudged by the Secretary of the Interior to be competent to manage their own affairs and care for their own business; and in cases where members have not been adjudged competent by the Secretary of the Interior their shares shall